

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

- Part 1 General Provisions
- Part 2 Examination and Licensure (Veterinarians)
- Part 3 Professional Conduct
- Part 4 Continuing Education Requirements for Veterinarians
- Part 5 Graduates of [Non-AVMA- Accredited] Non-AVMA Accredited Veterinary Schools (Foreign Graduates)
- Part 6 Veterinary Technicians
- Part 7 Facility Licenses
- Part 8 Artificial Insemination and Pregnancy Diagnosis
- Part 9 Minimum Standards
- Part 10 Reserved
- Part 11 Parental Responsibility
- Part 12 Reserved

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                        VETERINARY MEDICINE PRACTITIONERS
      CHAPTER 25
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      PART 1
                        GENERAL PROVISIONS
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                       ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.1.1 NMAC - Rp, 16
      16.25.1.1
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      NMAC 25.1.1, 10-12-00]
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       16.25.1.2
                       SCOPE: [All Board of Veterinary Medicine members and employees.] These rules apply to all
      veterinarians, veterinary technicians, bovine artificial insemination technicians, bovine pregnancy diagnosis
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      technicians, and veterinary facilities.
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      [16.25.1.2 NMAC - Rp, 16 NMAC 25.1.2, 10-12-00]
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13
                        STATUTORY AUTHORITY: [Veterinary Practice Act, NMSA 1978, Section 61.4.5.F.] Section
      16.25.1.3
14
      61-14-5.F. Veterinary [Medicine] Practice Act directs the State Board of Veterinary Medicine to adopt, regularly
15
      review and revise rules and regulations necessary to carry out the provisions of the Veterinary [Medicine] Practice
      Act after a hearing open to the public. [16.25.1.3 NMAC - Rp, 16 NMAC 25.1.3, 10-12-00]
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                       DURATION: Permanent.
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      [16.25.1.4 NMAC - Rp, 16 NMAC 25.1.4, 10-12-00]
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21
                       EFFECTIVE DATE: October 12, 2000 unless a different date is cited at the end of a section.
      16.25.1.5
22
      [16.25.1.5 NMAC - Rp, 16 NMAC 25.1.5, 10-12-00]
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                        OBJECTIVE: [To establish location for regular meetings of the Board, election proceedings,
      16.25.1.6
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      designated persons to preside over Board meetings, telephonic participation at Board meetings, and provide for
      employee job descriptions.] To promote, preserve and protect the public health, safety and welfare by regulating
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      the practice of veterinarians, veterinary technicians, bovine artificial insemination technicians, and bovine pregnancy
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      diagnosis technicians. To establish the authority to take action against any licensee or permittee for failure to meet
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      set minimum standards for licensure certification or permit as promulgated by the board. To inspect and regulate
30
      veterinary facilities to further protect the public.
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      [16.25.1.6 NMAC - Rp, 16 NMAC 25.1.6, 10-12-00]
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      16.25.1.7
                       DEFINITIONS:
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                        "aseptic surgery" means procedures performed under conditions free of pathogenic
               <u>A.</u>
35
      microorganisms.
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               [A.]B.
                        "board" means the New Mexico Board of Veterinary Medicine.
                        "bovine AI/PD examiner" means the individual the Board has designated to prepare and
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               <u>C.</u>
38
      administer the bovine AI and bovine PD examinations and who recommends to the board those individuals who
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      qualify for bovine AI and/or bovine PD permits.
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                        "bovine 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
41
42
       insemination on cattle.
43
                        "bovine pregnancy diagnosis (PD) technician" means an individual who has met the requirements
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      for and has been granted, by the New Mexico Board of Veterinary Medicine, a permit to perform pregnancy
45
      diagnosis on cattle.
46
               F.
                        "certified veterinary technician shall be interchangeable with the licensing designations of
47
      registered veterinary technician or licensed veterinary technician".
48
                        "clean surgery" means the performance of a surgical operation for the treatment of a condition
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OCCUPATIONAL AND PROFESSIONAL LICENSING

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aseptic surgical procedures.

TITLE 16

<u>H.</u> 52 I. "facility" means a building, kennel, mobile practice unit vehicle, animal shelter, pet shop, animal 53 supply store, fixed facility, fixed-mobile facility, mobile facility, and vaccination clinic where "the practice of veterinary medicine" to include aseptic surgery as defined in the Veterinary Practice Act, NMSA 1978. Section 61-54 14-2.B (1), (2), and (3), regularly occurs. To include regularly scheduled vaccination clinics or any other veterinary 55 **56** services.

"disinfection" means the destruction of pathogenic microorganisms.

and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of

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- (1) "animal shelter" means a state, city, county, or private facility where a veterinary clinic operates.
- (2) "pet shop" means a store that sells animals and has an operating veterinary clinic.
- (3) "animal supply store" means a store that sells animal supplies and has an operating veterinary clinic.
- (4) "fixed facility" means a building where the practice of veterinary medicine regularly occurs.
- (5) "fixed mobile facility" means the primary place of operation is a fixed building from where mobile services are directed.
- (6) "mobile veterinary practice" means providing a wide range of medical or surgical services in a movable trailer, pick up truck, motor home, or other vehicle designed or modified to function as a veterinary practice facility.
- (7) "vaccination clinic" means vaccinations are administered outside of a house call setting and do not use a mobile vehicle.
- J. "graduate of a non-AVMA-accredited school 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).
- K. "graduate veterinarian" means a person who has a degree of Doctor of Veterinary Medicine or its equivalent.
- L. "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.
- M. "practice of veterinary medicine" means the diagnosis and treatment of animal diseases by traditional methods which include but are not limited to prescribing drugs and medication, administering techniques and procedures including surgical procedures, and other methods which include but are not limited to chiropractic, physical therapy, acupuncture, acupressure, homeopathy, therapeutic massage, dentistry, and embryo transfer.
- N. "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.
- O. "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.
- P. "sterilization" means the complete destruction of microorganisms by heat, bactericidal chemical compound, radiation or desiccation.

[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 member[s'] participation in meetings telephonically shall constitute presence in person at the meeting.]
- (2)(1) Telephonic participation may occur only when it is difficult or impossible for the [person] board member 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.

1 C. Members of the public attending the meeting must be able to hear all members of the Board and 2 members of the public who speak during the meeting. 3 [16.25.1.9 NMAC - Rp, 16 NMAC 25.1.9, 10-12-00] 4 5 **EXECUTIVE DIRECTOR:** 16.25.1.10 6 The executive director may be a "licensed veterinarian" or any other person deemed by the Board 7 qualified to perform the required duties and responsibilities. 8 The duties and responsibilities of the executive director are those detailed in the job description 9 filed fin the nnel files] in the personnel files [in the office] of the New Mexico Board of Veterinary Medicine. 10 The position of executive director is an Exempt position. C. 11 [16.25.1.10 NMAC - Rp, 16 NMAC 25.1.10, 10-12-00] **12** 13 16.25.1.11 **INVESTIGATORS AND INSPECTORS:** 14 The Board hires licensed veterinarians to conduct its investigations of complaints filed with the 15 Board and to conduct inspections of veterinary facilities. 16 17 B. The duties and responsibilities of the Investigator(s) and Inspector(s) shall be those detailed in [either] the contracts entered into with the Board. The contracts will be maintained in the Board office. 18 19 20 [16.25.1.11 NMAC - Rp, 16 NMAC 25.1.11, 10-12-00] 21 22 CLASSIFIED EMPLOYEE(S): [Any] Classified employee duties of this Board are those which 16.25.1.12 23 are detailed in the job description(s) filed with the State Personnel Department. 24 [16.25.1.12 NMAC - Rp, 16 NMAC 25.1.12, 10-12-00] 25 26 ELECTIONS OF BOARD OFFICERS: The Board of Veterinary Medicine elects a Chairman, 16.25.1.13 27 Vice-Chairman, and Secretary. Elections are held annually. Officers may be re-elected. Any member of the Board 28 may serve as an officer. 29 [16.25.1.13 NMAC - Rp, 16 NMAC 25.1.13, 10-12-00] **30** 31 HISTORY OF 16.25.1 NMAC: **32** Pre-NMAC History: 33 BVE 93-9, Rules Governing Executive director, 11-18-94 34

36 16 NMAC 25.1, General Provisions - Repealed, 10-12-00.

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1
      TITLE 16
                       OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
      CHAPTER 25
                       VETERINARY MEDICINE PRACTITIONERS
 3
      PART 2
                       EXAMINATION AND LICENSURE (VETERINARIANS)
 4
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 6
      16.25.2.1
                       ISSUING AGENCY: New Mexico Board of Veterinary Medicine
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      [16.25.2.1 NMAC - Rp, 16 NMAC 25.2.1, 7-25-01]
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      16.25.2.2
                       SCOPE: Applies to all veterinarians licensed to practice in the [State] state of New Mexico and
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      [all applicants] individuals applying for a license to practice veterinary medicine in the [State] state of New
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      Mexico.
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      [16.25.2.2 NMAC - Rp, 16 NMAC 25.2.2, 7-25-01]
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14
                       STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-4; Section
      16.25.2.3
      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
      14: Section 61-14-15.
17
      [16.25.2.3 NMAC - Rp, 16 NMAC 25.2.3, 7-25-01]
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19
      16.25.2.4
                       DURATION: Permanent.
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      [16.25.2.4 NMAC - Rp, 16 NMAC 25.2.4, 7-25-01]
21
22
                       EFFECTIVE DATE: July 25, 2001 unless a different date is cited at the end of a
      16.25.2.5
23
      section or paragraph.
24
      [16.25.2.5 NMAC - Rp, 16 NMAC 25.2.5, 7-25-01]
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      16.25.2.6
                       OBJECTIVE: To define the requirements for obtaining a license to practice veterinary medicine
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      (as defined in 61-14-2.B. NMSA 1978) in the State of New Mexico.
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      [16.25.2.6 NMAC - Rp, 16 NMAC 25.2.6, 7-25-01]
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30
      [16.25.2.7]
                       DEFINITIONS:
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                       "board" means the New Mexico Board of Veterinary Medicine.]
               A.
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               [<del>B.</del>
33
      equivalent.
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35
      [16.25.2.7 NMAC - Rp, 16 NMAC 25.2.7, 7-25-01]
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                       GENERAL ELIGIBILITY FOR LICENSURE: A license to practice veterinary medicine in the
      16.25.2.[8]7
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      [State] state of New Mexico is granted only to an applicant who fulfills all of the requirements specified in this
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      Part. The mere filing of an application shall not entitle the applicant to a license to practice veterinary medicine.
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      Each applicant shall have the burden of demonstrating, to the satisfaction of the Board of Veterinary Medicine, that
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      he:
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               A.
                       has reached the age of majority as recognized by the state of New Mexico;
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                       is a person of good moral character, physically and mentally fit to practice veterinary medicine [-];
               B.
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                       is in good standing in any other state (s) in which he is, or ever has been, licensed to practice
               C.
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      veterinary medicine. If the applicant has [not] had disciplinary proceedings instituted against him which have
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      resulted [or a license suspended or revoked] in suspension or revocation of a license on any grounds other than
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      nonpayment of a licensee fee, [; and] or has [not] voluntarily surrendered a license to practice veterinary medicine [;].
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48 the board will need to review the prior action(s) on a case by case basis prior to licensure; 49 is professionally qualified for a license to practice veterinary medicine in the [State] state of New **50** Mexico by taking and passing the written examinations as defined in these rules, except as provided in New Mexico 51 statutes, section 61-14-10 NMSA 1978[-]; 52

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- E. is a graduate veterinarian as defined by New Mexico statutes, section 61-14-2.C. NMSA 1978[-];
- F. if applicant 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

16.25.2.[41]10. LICENSURE BY ENDORSEMENT: A veterinarian who has been licensed in another state and has [done] performed at least five(5) 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 (5) 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.]

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[B.] A. Does not need to provide his score from the national licensing examination.

[C.] B. May take the Jurisprudence exam at a special [time,] time for the standard endorsement fee, as arranged through the Board office, rather than at one of the Board's regularly scheduled exam times.

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[16.25.2.11 NMAC - Rp, 16 NMAC 25.2.8.1.7 and 25.2.11, 7-25-01]
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16.25.2.[42]11. 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] provision above 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]12. GRADUATES OF[NON AVMA ACCREDITED] 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] of graduate's completion of 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] non-AVMA accredited schools [also-are] are also stated in 16.25.5 NMAC.

[16.25.2.13 NMAC, 7-25-01]

16.25.2.[14]13. [60-DAY] 60-DAY TEMPORARY [LICENSE] PERMIT:

- A. Purpose The temporary [license] permit, good for a period of no more than [60] sixty (60) calendar days, is intended for experienced, licensed veterinarians who wish to practice in New Mexico for [only] a brief [time] period. The temporary [license] permit 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] permit, an applicant must:
 - (1) Have been licensed in and have practiced in another [state (or states)] state, 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] 60-Day Temporary [License] Permit" form [(form obtained from Board office)] along with a head-and-shoulders [photo] photograph and the temporary [license] permit fee; and
- (4) Provide [diploma, transcripts,] a letter[s] of good standing[, and personal and professional references,] from state where the applicant currently practices veterinary medicine and holds licensure. [as discussed in section 16.25.2.10 Basic Licensure Requirements. [on page.2 of this Part.]
- C. An applicant for a temporary [license] permit 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.] A temporary permit may not be renewed within a twelve (12) month period from issuance without approval from the Board.

[16.25.2.14 NMAC, 7-25-01]

[16.25.2.15 [LIMITED PRACTICE] LIMITED PRACTICE LICENSE: A [limited practice] 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 16.25.2.14 STATE EXAMINATION:

A. Scheduling - The board holds the state licensing examination for veterinarians on a regularly scheduled basis twice [per year] annually. [And, as a courtesy for] [a] Applicants who [need or] wish to obtain their licenses sooner than the next [, the Board will administer the exam on an individually scheduled basis, as arranged with the Board office.] [regular] board set examination can take the examination at the higher fee of \$500. The examination is administered at the board office. Arrangements for this type of examination are made with the executive director.

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] individuals 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 (2) weeks after the state exam date, [the board's staff notifies] all applicants will be notified by mail, [all applicants of whether they passed or failed] of their pass or fail results. [and, upon request, provides their grades.] Grades will be provided to applicants upon request.
- E. Review and retake An applicant who fails the exam has [20] twenty (20) days from receipt of notification to [come to the Board office and] review the exam and his answer sheet [if the applicant wishes] at the Board office.
 - (1) The applicant must make prior arrangement [for such a review] with the Board Executive 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; and
 - (3) An applicant who has failed the state examination [may] must retake it within [30] thirty (30) days. [after reviewing it.] To retake the examination, the applicant must pay an additional exam fee, at the special-exam amount of (\$500).
 - F. Limitations Once [a person has submitted his application and examination fee to the Board-office:] the application and examination fee has been submitted to the board:
 - (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] is unable to take the exam at one of the regularly scheduled times [at the time] for which he/she has previously applied, that applicant may take the exam up to one (1) year later without [needing to reapply] reapplying [and pay] or paying an additional fee.
 - (b) [A person] An applicant who has applied and paid to take the state exam at [an individually] a specially scheduled time, [who finds he/she cannot] and is unable to take the exam at the specially arranged time, that applicant has up to one (1) year to reschedule the exam without reapplying or paying an additional fee.

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

[16.25.2.17] 16.25.2.15 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). In accordance with the National Board of Veterinary Medical Examiners (NBVME), candidates shall not be approved to take the North American Veterinary Licensing Exam (NAVLE) more than 5 times and shall not be allowed to sit for the examination at a date that is later than 5 years after their initial attempt. Each of the final 2 attempts must be at least 1 year from the previous attempt.

[16.25.2.17 NMAC - Rp, 16 NMAC 25.2.13.1.2, 7-25-01]

[16.25.2.18]16.25.2.16 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]

<u>C.</u> <u>Licensee shall display at the business location, in full view of the public, his original license</u> certificate signed by the board and the current year renewal license. If licensee is providing veterinary services in a relief capacity, current year license renewal must be easily accessible.

[16.25.2.19]16.25.2.17 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.] statute.

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      [16.25.2.19 NMAC - Rp, 16 NMAC 25.2.19.5, 7-25-01]
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                                [FEES FOR] EXAMINATION AND LICENSURE FEES: The list of all fees relating to
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      application, examination, licensure and permit fees are as follows and are posted at the Board's web site:
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      www.nmbvm.org.
 6
                        State jurisprudence examination:
               A.
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                        [For] applicants who qualify to take the examination for licensure: [, to take the exam:]
                         (a) [At one of the r Regularly scheduled times, twice annually]
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 9
                              Board-set dates, December and May -[$200.] $300.
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                             [At an individually scheduled special time] Date selected by applicant - $500.
                         (b)
                        [For] applicants [who] qualifying for licensure by endorsement [-,]: [to take the exam:
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                  (2)
12
       (Jurisprudence
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                         [(a) [at one of the r Regularly scheduled times, twice annually $500.]
                         (b) [an individually scheduled special time Time selected by applicant $500.]
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15
                            Board-set dates, December and May or date selected by applicant - $500.
                        Annual DVM license renewal – [$175.] $200.
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               B.
17
               C.
                        New licensee's first year (partial year) first year (partial year) fee is prorated from date of license
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      issue [until] to [renewal date (birth month).] last day of licensee's birth month.
19
               D.
                        60-day temporary license - [$200] $250.
20
               E.
                        Late-renewal penalties:
21
                        If postmarked no later than 30 days past expiration date - $100.
                  (1)
22
                  (2)
                        If postmarked more than 30 days after expiration date - $10 per day, but in no event to exceed
23
      $3000.
24
                        Any veterinarian practicing with a lapsed license is practicing in violation of the law.
                  (3)
25
                        The Board may waive payment of a renewal fee and annual continuing education requirement of a
               B.
      licensee while on active duty with the armed services of the United States. Renewal fee and continuing education
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      requirement will be waived for the duration of their overseas deployment or a declared national emergency.
                        All correspondence/requests for waivers will be addressed to the Executive director of the New
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29
      Mexico Board of Veterinary Medicine.
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      [16.25.2.20 NMAC - Rp, 16 NMAC 25.2.17.1 and 25.2.19.1, 7-25-01; A, 1-10-2004]
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      <del>[16.25.2.21]</del> 16.25.2.19
                                ADDRESS CHANGE NOTIFICATION: Throughout his period of licensure, every
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      Board licensee must notify the Board in writing within 30 days of any change of address. Change of Address form
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      available at web site or by contacting Board office.
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      [16.25.2.21 NMAC - Rp, 16 NMAC 25.2.16, 7-25-01]
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                        [BOARD DISCRETION: With reference to any of the provisions in this Part, the Board has
      [16.25.2.22]
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      discretion.
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      [16.25.2.22 NMAC - Rp, 16 NMAC 25.2.19.6, 7-25-01]
      HISTORY OF 16.25.2 NMAC:
41
42
      Pre-NMAC History:
43
      BVE 75-1, Rules Governing the Examination and Licensing of Veterinarians, 12-5-75.
44
      BVE 79-1, Rules Governing the Examination and Licensing of Veterinarians, 9-21-79.
45
      BVE 88-1, Rules Governing the Examination and Licensing of Veterinarians, 10-14-88.
46
      BVE 92-1, Rules Governing the Examination and Licensing of Veterinarians, 5-22-92.
47
      BVE 93-1, Rules Governing the Examination and Licensing of Veterinarians, 6-3-93.
48
      History of Repealed Material:
      16 NMAC 25.2, Examination and Licensure - Repealed 7-25-01.
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      TITLE 16
                        OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
      CHAPTER 25
                        VETERINARY MEDICINE PRACTITIONERS
 3
      PART 3
                        PROFESSIONAL CONDUCT
 4
 5
      16.25.3.1
                        ISSUING AGENCY: New Mexico Board of Veterinary Medicine [12/05/75...05/31/96]
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      16.25.3.2
                        SCOPE: provisions for Part 3 of Chapter [16] 25 apply to all persons licensed to practice in the
 8
      [State] state of New Mexico under authority of the [board.] Board.
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      [05/31/96]
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      16.25.3.3
                        STATUTORY AUTHORITY: Authority for Part [2] 3 of Chapter 16 is the Veterinary [Medicine]
      Practice Act NMSA 1978 Section 61-14-13; Section 61-14-19.
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13
      [05/31/96]
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      16.25.3.4
                        DURATION: Permanent
16
      [05/31/96]
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18
      16.25.3.5
                        EFFECTIVE DATE: May 31, 1996, unless a different date is cited at the end of a section or
19
      paragraph.
20
      [05/31/96]
21
22
                        OBJECTIVE: To govern the professional conduct of any person licensed or permitted by the
      16.25.3.6
23
      [board] Board to engage in the veterinary profession in the [State] state of New Mexico. Violations of any of these
24
      rules are grounds for action against a licensee.
25
      [01/05/76...05/31/96]
26
      [16.25.3.7]
27
                        [DEFINITIONS: (Reserved)]
28
      [05/31/96]
29
30
                       CONDUCT: All licensed professionals, DVM and RVT, are subject to the Veterinary Practice
      16.25.3.[8]7.
      Act and Rules and Regulations promulgated by the Board.
31
32
               A. Violations of the Veterinary Practice Act and/or Rules and Regulations promulgated by the Board are
      subject to the Complaint Process as governed by the Uniform Licensing Act.
33
34
               B. Complaints are reviewed by the Board on a case-by-case basis to determine if disciplinary action is
35
       necessary. Unprofessional conduct by a licensee in a complaint as determined by the Board, includes but is not
      limited to, noncompliance with terms of a settlement agreement entered into by a licensee with the Board to resolve
36
37
      a complaint.
38
               [A.] C. A licensee shall not represent conflicting interests, except by express consent of all concerned
39
       subsequent to [given after] a full disclosure of the facts.
40
      [01/05/76...07/03/93]
41
               [B-] D. It is the right of any licensee, without fear or favor, to give proper advice to those seeking relief
      against unfaithful or neglectful services.
42
43
      [01/05/76...07/03/93]
44
               [C.] E. A licensee shall expose without fear or [favor] favor, before the proper tribunal or the New
45
      Mexico Board of Veterinary [Medicine] Medicine, corrupt or dishonest conduct in the profession.
46
      [01/05/76...07/03/93]
               [D.] F. [A veterinarian must decide what professional employment will be accepted, and what course of
47
      treatment will be followed once employed. The responsibility for advising questionable or unusual treatment rests
48
49
      upon the veterinarian.] If a licensee is asked to perform a treatment that is questionable or unusual, the licensee
50
      must use his own professional judgment about whether he/she will perform this treatment.
51
       [01/05/76...07/03/93]
52
               [E.] G. No [license] licensee shall render any service or advice contrary to the law. A veterinarian must
53
      also observe and advise clients to observe applicable laws and regulations.
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[F.] H. 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.

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56

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

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1 [01/05/76...07/03/93]
2 [G-] I. 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 or as a registered veterinary technician unless licensed to practice in this state. In selection and use of a firm name, no false or misleading name shall be used.
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misleading name shall be used.
[01/05/76...07/03/93]
[H.] J.The professional services of a veterinarian shall not be [control] controlled_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-] K. 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.] shall display at the business location, in full view of the public, his original license certificate signed by the board and the current year renewal license. If licensee is providing veterinary services in a relief capacity, current year license renewal must be easily accessible.

18 [01/05/76...07/03/93]

- 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]
- [L-] A licensed veterinarian shall not use or display any unearned certificate, college degree, or title. [01/05/76...07/03/93]
- [M.] 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] veterinary medicine by an unlicensed person except as permitted by the [Veterinarian] Veterinary Practice Act. [01/05/76...07/03/93]
- [N.] N. A licensed veterinarian in this state shall not issue a certificate of health for an animal unless aware [via] by way of actual inspection and appropriate tests, that said animal meets the requirements for the issuance of such certificate.

 [01/05/76...07/03/93]
- [O-] O. A licensed veterinarian shall not guarantee a cure. A <u>licensed</u> veterinarian must avoid bold and confident assurances to client, especially where employment may depend upon such assurances. [01/05/76...07/03/93]
- [P.] 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.] 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] appliances, and drugs. [01/05/76...07/03/93]
 - [R.] R. A licensed veterinarian shall not violate the confidential relationship with his client.
- (1) The reporting of cruelty or illegal action is not a violation of $\frac{\text{[confidentiality;]} \text{ confidentiality.}}{[01/05/76...07/03/93]}$
- [S₇] S. A <u>licensed</u> veterinarian <u>or registered veterinary technician</u> 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(s) or claim(s). [A] [f] False, deceptive, or misleading statements or claims [is one] are those which:
 - (1) Advertise[s] or represent[s] 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.] charged;
 - (2) Contain[s] a prediction of future success or guarantee that satisfaction or cure will result from the performance of a professional [service.] service;
 - (3) Refer[s] to secret methods of treatment or special [services:] services;
 - (4) Concern[s] illegal [transactions.] transactions;
 - (5) [Falsely states or] [i] Imply [ies] that a <u>licensed</u> veterinarian is [or] [recognized specialist,][specialty certified:] [unless the <u>licensed</u> veterinarian is [Board certified] Board

1	certified in a [specialty,]specialty recognized by the American Veterinary Medical [Association.]
2	Association: [a] a Diplomate or AVMA Board certified in the following specialties:
3	
4	(a) Avian;
5	(b) Beef Cattle:
6	(c) <u>Canine & Feline;</u>
7	(e) Dairy;
8 9	(f) Dermatology;
10	(g) Emergency and Critical Care; (h) Equine;
11	(i) Exotic Companion Mammal;
12	(j) Feline;
13	(k) Food Animal;
14	(l) Internal Medicine;
15	(m) Laboratory Animal Medicine;
16	(n) Ophthalmology;
17	(o) Reptile & Amphibian;
18	(p) Surgery;
19	(q) Swine Health Management;
20	(r) <u>Veterinary Preventive Medicine</u> ;
21	(s) Zoology.
22	
23 24	(6) Imply that a licensed veterinarian is certified in the following complementary,
2 4 25	alternative and/or integrative therapies including but not limited to:
26	(a) Acupuncture;
27	(b) Acutherapy;
28	(c) Acupressure;
29	(d) Homeopathy;
30	(e) Manual or manipulative therapy i.e., therapies based on techniques
31	practiced in Osteopathy, Chiropractic Medicine, or Physical
32	Medicine and therapy;
33	(f) Massage;
34	(g) Naturopathy;
35	(h) Physical Rehabilitation;
36	(i) Nutraceutical therapy;
37	(j) Phytotherapy.
38 39	[(6)](7) Are [Is] intended or [is] are likely to create an inflated or unjustified [expectation.]
40	expectation;
41	[(7)](8) Contain[s] an expressed or implied material misrepresentation of the [fact.] fact;
42	[(8)](9) Fail(s) to state any material fact necessary to make the statement or claim not misleading in the
43	circumstances under which it is [made.] made;
44	[(9)](10)Would result in the violation of any law or regulation or a contractual or other obligation of any
45	person with whom the <u>licensed</u> veterinarian seeks to <u>[communicate.]</u> <u>communicate;</u>
46	$\frac{(10)}{(11)}$ Contain [s] a representation or implication that is likely to cause an ordinary prudent lay
47	person to misunderstand or be deceived, or fail [s] to contain reasonable warnings or disclaimers
48	necessary to make a representation or implication not [deceptive.] deceptive:
49 50	[(11)](12) Relate[s] to professional fees other than:
50 51	(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
52	indicates whether additional fees may be required in individual [cases.] cases; or
53	(b) A statement of the range of fees for specifically described professional services, provided
54	there is reasonable disclosure of all relevant and variable considerations affecting the fees, so that
55	the statement would not be misunderstood or be deceptive, including, without limitation, an
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1
                         indication whether additional fees may be incurred for related professional services, which may be
 2
                         required in individual cases.
 3
       [01/05/76...07/03/93]
 4
                [K.] T. A licensed veterinarian or registered veterinary technician shall not use or display any college
 5
       degree, certificate or title granted by any institution not approved by the New Mexico Board of Veterinary Medicine.
 6
       [01/05/76...07/03/93]
 7
                [F].U. A licensed veterinarian shall not use present or past position(s) or office(s) of trust deliberately to
 8
       create any individual professional advantage, or to coerce, or to deceive the public.
 9
       [01/05/76...07/03/93]
10
                [U] V. : All licensed professionals, DVM and RVT, are subject to the Veterinary Practice Act and Rules
       and Regulations promulgated by the Board.
11
                [V.] W. Violations of the Veterinary Practice Act and/or Rules and Regulations promulgated by the Board
12
       are subject to the Complaint Process as governed by the Uniform Licensing Act.
13
                [W.] X. The licensee is required to abide by all [statues] statutes, rules and regulations of any board,
14
       commission, or agency if said [statues] statutes, rules and regulations, and abiding by any county or city ordinances
15
       govern governing any aspect of the practice of veterinary medicine. [This includes but is not limited to related
16
17
       statues of the Pharmacy Board or other controlled drugs or substances requirements.]
18
       [01/05/76...05/31/96]
19
                [\forall.] Y Dishonesty in the practice of veterinary medicine is prohibited.
20
       [07/03/93]
21
                [\overline{\text{\cdots}}.] \overline{\text{\cdots}}. Habitual or excessive use of intoxicants or drugs is prohibited.
22
       [07/03/93]
23
                [X.] AA. Using any controlled or legend drug or substance on any animal for the purpose of illegally
24
       influencing the outcome of a competitive event is prohibited.
25
26
                [Y-] BB. Failure to maintain required [surgical,] radiological (NMAC 20.3) or controlled substance logs
27
       and medical records is prohibited.
28
       [07/03/93]
29
                [<del>Z.</del>] CC. Failure to report, as required by law, or making a false report of any contagious or infectious
30
       disease is prohibited.
31
       [07/03/93]
32
                [AA.] DD.Unfair or deceptive practices in the conduct of the profession are prohibited.
33
       [07/03/93]
34
                [BB.] EE. Violation of the veterinary statutes or of any rule or regulation adopted by the [board] Board is
35
       prohibited. See Uniform Licensing Act.
36
       [07/03/93]
37
                [CC.] FF. Failure of a [licensee or facility] licensed veterinarian or facility to refer a client, upon the
38
       client's request, to another licensed veterinarian is prohibited.
39
       [07/03/93]
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48
49
       HISTORY OF 16.25.3 NMAC:
50
       Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center
51
       and Archives:
52
       BVE Rule No. 75-2, Rules Governing The Professional Conduct of Veterinarians, 12-5-75.
53
       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.
54
       BVE Rule 82-1, Rules Governing the Professional Conduct Of Veterinarians, 3-2-82.
55
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BVE 88-2, Rules Governing the Professional Conduct Of Veterinarians, 10-14-88.

- 1
- 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:
- **4 5** 16 NMAC 25.3, Professional Conduct - Repealed, 07/03/93.

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1
      TITLE 16
                       OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
      CHAPTER 25
                       VETERINARY MEDICINE PRACTITIONERS
 3
      PART 4
                       CONTINUING EDUCATION REQUIREMENTS FOR VETERINARIANS
 4
 5
                       ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.4.1 NMAC - Rp, 16
      16.25.4.1
 6
      NMAC 25.4.1, 09-01-00]
 7
 8
                       SCOPE: Applies to all veterinarians licensed to practice in the [State] state_of New Mexico.
      16.25.4.2
 9
      [16.25.4.2 NMAC - Rp, 16 NMAC 25.4.2, 09-01-00]
10
11
      16.25.4.2.1
                       STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Sections 61-14-5.F and I
12
      and 61-14-12.
13
      [16.25.4.3 NMAC - Rp, 16 NMAC 25.4.3, 09-01-00]
14
15
                       DURATION: Permanent.
      16.25.4.[4]3.
16
      [16.25.4.4 NMAC - Rp, 16 NMAC 25.4.4, 09-01-00]
17
18
                       EFFECTIVE DATE: September 1, 2000 unless a different date is cited at the end of a section.
19
      [16.25.4.5 NMAC - Rp, 16 NMAC 25.4.5, 09-01-00]
20
21
                       OBJECTIVE: To establish requirements for continuing education (CE) necessary for veterinary
      16.25.4. [<del>6</del>]5.
22
      license annual renewal.
23
      [16.25.4.6 NMAC - Rp, 16 NMAC 25.4.6, 09-01-00]
24
25
                       DEFINITIONS: (Reserved).1
26
      [16.25.4.7 NMAC - Rp, 16 NMAC 25.4.7, 09-01-00]
27
28
      16.25.4.[8]6.
                       GENERAL REQUIREMENTS:
29
                       Each veterinarian licensed to practice in New Mexico must obtain, for each year of licensure, a
30
      total of [15] fifteen (15) instructional hours derived from seminars, short courses, or scientific programs approved by
31
      the Registry of Approved CE (RACE), AVMA, or by the Board; or sponsored by a veterinary medical association,
32
      organization, or university. [ by the Board.]
33
                   (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] instruction,
34
35
                       including online training or articles in printed professional periodicals, is accepted. — if the
36
                       instruction: ]
37
                       [(a) Includes structured testing of course content,]
38
                       [(b) Is designed by veterinarians, specifically for veterinarians, and]
                        (c) Is approved by the American Veterinary Medical Association.
39
40
      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
41
42
      scientific programs.
43
                  [(2) Instruction in aspects of facility management [or], records management or the complaint process
44
                       may count for credit. These hours may comprise no more than five (5) CE credit hours per year.
45
                 f((3) Instruction in alternative, non-western medicine fis not necessarily disqualified from counting
                       toward CE credit; however, such instruction must be provided by, and specifically for,
46
                       veterinarians.] must be specifically applicable to veterinary medicine and approved by RACE,
47
48
                        AVMA, or sponsored by a veterinary organization or university, or by the board. CE credit cannot
      exceed 75% or 11.25 of the 15.00 instructional hours required annually. These hours may comprise no more than
49
50
      half of the annual requirement of 15 CE hours.
51
                       There are no exceptions for age or for retirees or other non-practicing veterinarians who want to
52
      maintain their New Mexico licenses. Pursuant to 61-14-12 E., the Board may provide a waiver of the CE
53
      requirement to a licensed veterinarian during any period when he/she is on active duty with any branch of the armed
      services of the United States for the duration of a national emergency.
54
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CE hours are accumulated on an annual basis for the [12] twelve (12) months preceding [each]

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C.

individual veterinarian's license expiration date.

next licensing year.

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- F. The month before a veterinarian's annual license renewal is due, [Board staff send] a license renewal form will be provided on which the veterinarian must record the CE taken during his past licensing year.
- G. The burden of proving the validity of the reported CE hours lies solely with the <u>licensed</u> veterinarian reporting. The Board may conduct audits on CE reporting. Photocopies of seminar registrations and/or completion certificates <u>should</u> shall be submitted <u>by the licensee</u> with CE reports for inclusion in the licensee's file, upon request.
- H. Beginning with the effective date of this Part, each licensee should retain proof of his CE completion for a minimum of four [years, retrievable from personal files.] (4) years. [16.25.4.8 NMAC Rp, 16 NMAC 25.4.8, 09-01-00]

16.25.4.[9]7. 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. *CE Approval Request* form is available at Board web site or by calling Board office. The Board will make a determination at its next meeting. [16.25.4.9 NMAC - N, 09-01-00]

16.25.4.[10]8. 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] lacking within [the first six months of the following licensing year] six (6) months following the licensee's birth month [or he/she will be] to avoid being 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] A licensee may be granted only two
 (2) consecutive CE extensions (i.e., for two (2) separate licensing years) and a maximum of [only] four (4) 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 Executive director, assuming the licensee is in good standing with the Board.
 - (3) All CE extension requests are [brought to] presented at the next Board [meeting,] meeting for [a Board vote.] the Board's determination. (In the case of pre-approval by the Executive director, as described in (2), above, the request is [brought] presented for Board confirmation.).
 - (4) Should a veterinarian fail to meet the CE requirement when applying for license renewal, and not request an extension, his name shall be [brought to] presented at the next Board [meeting.] meeting for the Board to determine if possible disciplinary action is appropriate.
- 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] on the merits of the individual [case justify.] case.

[16.25.4.10 NMAC - N, 09-01-00] HISTORY OF 16.25.4 NMAC:

Pre-NMAC History:

- 50 BVE 78-1, Pertaining to Continuing Education Requirements for Relicensure, 1-20-78.
- 51 BVE 79-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 9-21-79.
- 52 BVE 88-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 10-14-88.
- 53 BVE 92-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 5-22-92.
- **54** BVE 93-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, 6-3-93.
- 55 History of the Repealed Material:
- 56 16 NMAC 25.4, Continued Education Requirements Repealed, 9-1-2000.

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1
      TITLE 16
                      OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
      CHAPTER 25
                      VETERINARY MEDICAL PRACTITIONERS
 3
      PART 5
                      GRADUATES OF NON-AVMA ACCREDITED VETERINARY SCHOOLS
 4
                      (FOREIGN GRADUATES)
 5
 6
      16.25.5.1
                      ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.5.1 NMAC - Rp, 16
 7
      NMAC 25.5.1, 10-12-00]
 8
      16.25.5.2
                      SCOPE: Applies to all veterinarians licensed to practice in the [State] state of New Mexico and
 9
      all graduates of [non-AVMA accredited] non-AVMA accredited schools who are applying for a license to practice
      veterinary medicine in the [State] state of New Mexico.
10
11
      [16.25.5.2 NMAC - Rp, 16 NMAC 25.5.2, 10-12-00]
12
13
                      STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-5.
      16.25.5.3
14
      [16.25.5.3 NMAC - Rp, 16 NMAC 25.5.3, 10-12-00]
15
16
                      DURATION: Permanent.
17
      [16.25.5.4 NMAC - Rp, 16 NMAC 25.5.4, 10-12-00]
18
19
      16.25.5.5
                      EFFECTIVE DATE: October 12, 2000 unless a different date is cited at the end of a section.
20
      [16.25.5.5 NMAC - Rp, 16 NMAC 25.5.5, 10-12-00]
21
22
                      OBJECTIVE: To outline requirements additional to 16.25.2 NMAC for the graduate of a
      16.25.5.6
23
      veterinary school not accredited by the American Veterinary Medical Association (AVMA).
24
      [16.25.5.6 NMAC - Rp, 16 NMAC 25.5.6, 10-12-00]
25
      [16.25.5.7
                      DEFINITIONS:
26
27
                      [Reserved]
28
      [16.25.5.7 NMAC - Rp, 16 NMAC 25.5.7, 10-12-00]
29
30
      16.25.5.[8]7.
                      REQUIREMENTS FOR LICENSURE:
31
                      To obtain a license to practice veterinary medicine in the [State] state of New Mexico, a graduate
              A.
32
      of a Inon AVMA accredited non-AVMA accredited veterinary school must complete certification by the
33
      Educational Commission for Foreign Veterinary Graduates (ECFVG) program administered by the American
34
      Veterinary Medical Association prior to examination by the New Mexico Board of Veterinary Medicine.
35
              B.
                      A foreign veterinary graduate [also] must meet all other requirements for licensure in New
36
      Mexico, as specified in 16.25.2 NMAC.
37
      [16.25.5.8 NMAC - Rp, 16 NMAC 25.5.8, 10-12-00]
38
39
40
41
42
43
44
      HISTORY OF 16.21.5 NMAC:
45
      Pre-NMAC History:
46
      BVE 78-2, Pertaining to Foreign Veterinary Graduate Internship, 1-20-78.
      BVE 79-4, Rules Governing Foreign Veterinary Graduate Internship, 9-21-79.
47
48
      BVE 88-4, Rules Governing Foreign Veterinary Graduate Internship, 10-14-98.
49
      BVE 92-4, Rules Governing Foreign Veterinary Graduate Internship, 5-22-92.
50
      BVE 93-4, Rules Governing Foreign Veterinary Graduate Internship, 6-3-93.
51
52
      History of the Repealed Material:
53
      16 NMAC 25.5, Foreign Graduates - Repealed, 10-12-00.
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1
      TITLE 16
                        OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
                        VETERINARY MEDICINE PRACTITIONERS
      CHAPTER 25
 3
      PART 6
                        VETERINARY TECHNICIANS
 4
 5
      16.25.6.1
                        ISSUING AGENCY: New Mexico Board of Veterinary Medicine [12/05/75...05/31/96]
 6
 7
                        SCOPE: Provisions for Part 6 of Chapter [16] 25-shall apply to all [veterinarians] registered
      16.25.6.2
      veterinary technicians licensed [to practice] in the state of [New Mexico] New Mexico. [and all Veterinary
 8
 9
      Technicians.]
10
      [05/31/96]
11
12
      16.25.6.3
                        STATUTORY AUTHORITY: Authority for Part 6 of Chapter [16] 25 is the Veterinary
      [Medicine] Practice Act NMSA 1978 Section 61-14-5; Section 61-14-6; Section 61-14-7; Section 61-14-12; Section
13
14
      61-14-16.
15
      [05/31/96]
16
17
      16.25.6.4
                       DURATION: Permanent
18
      [05/31/96]
19
20
      16.25.6.5
                        EFFECTIVE DATE: May 31, 1996, unless a different date is cited at the end of a Section or
21
      Paragraph.
22
      [05/31/96]
23
24
                        OBJECTIVE: To establish requirements for Veterinary Technicians. registered veterinary
      16.25.6.6
25
      technicians
26
      [16.25.6.7
27
                        DEFINITIONS: (Reserved)]
28
      [05/31/96]
29
30
      16.25.6.[8]7.
                        RULES GOVERNING REGISTERED VETERINARY TECHNICIANS:
31
                        To perform the duties of a veterinary technician in New Mexico and receive a license issued by
               A.
32
      the Board of Veterinary Medicine, an applicant must meet all the requirements set forth in these rules. The
33
      following documents are required:
34
               \frac{(2)}{(1)}
                        [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-
35
                        applicant has satisfactorily met the board's requirements. Submit a completed, signed and
36
37
                        notarized "Application for Registered Veterinary Technician" form.
38
                  (2) The application/examination fee.
39
                  (3) A head- and-shoulders photograph of the applicant.
40
      Prior to the [applicant's] applicant taking the required examinations, the application will be reviewed [by the board]
      to determine if the applicant has satisfactorily met the [board's] Board's requirements.
41
42
                              The applicant's file must be complete before a license will be issued. If the required
                              documents and information are not provided within one (1) year of Board examination, the
43
44
                              applicant must reapply for licensure. [Besides] In addition to the above mentioned, the
45
                              following documents are required:
46
                                   Copy of [diploma] diploma;
                              (i)
47
                              (ii) Final transcripts from an accredited veterinary technician [sehool] program;
48
                              (iii) Letters of Good Standing from another state(s) or country(ies) in which applicant has
49
                                    been licensed.:
50
                    (3) (b) Pass all areas of examination required by the Board;
                    (4) (c) Meet one of the following requirements:
51
52
                           (a) (i) Is a graduate veterinary technician or a senior student of a [two] two or more years
                                   program accredited by the American Veterinary Medical Association; or
53
54
                           (b) (ii) Has a current valid permit or license from another state(s) or country (ies) with similar
                                   requirements [as] to New Mexico, [with approval] as approved by the [board.] Board.
55
56
      [04/05/76...05/31/96]
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1 16.25.6.[9]<u>8.</u> **EXAMINATIONS:** 2 Examinations shall be held as specified by the Board of Veterinary Medicine. A. 3 Applicants must pass the American Association of State Veterinary Boards (AAVSB) Veterinary Technician National Examination (VTNE) [provided] administered by the Professional 4 5 Examination Service with the passing grade established by [the Professional Examination Service] 6 that service. 7 (a) Prior to taking the VTNE, applicant must apply for sponsorship by the Board. The list of all 8 fees relating to application, examination, licensure and permit fees are set out at 16.25.6.9 C. 9 and are posted at the Board's web site: www.nmbvm.org. 10 11 In addition, the applicant must pass an examination [on] concerning the New Mexico Veterinary Practice Act and other New Mexico [laws and] laws, rules and regulations with a passing grade of 75%. 12 [10/21/79...07/03/93] **13** [B. An applicant who has passed the Veterinary Technician National Examination is only required to 14 take the examination on New Mexico law.1 15 16 [10/21/79...07/03/93] [C.] B. No application shall be acted upon until the application fee is received by the Executive director of 17 the Board of Veterinary Medicine. If the **[board]** Board deems an applicant ineligible for examination, **[no fee]** fees 18 19 will **not** be refunded. 20 [10/21/79...07/03/93] 21 All fees relating to application, examination, licensure, permit, and fees are as follows and are <u>C.</u> 22 posted at the Board's web site: www.nmbvm.org. 23 State jurisprudence examination: (1) 24 (a) Board set dates, December and May – \$75. 25 (b) Date selected by applicant - \$100. Annual RVT license renewal – \$75. 26 <u>D.</u> E. New licensee's first year fee is prorated from date of license issue to last day of licensee's birth 27 28 29 [D.]<u>F.</u> Limitations: Once the application and examination fee has been submitted to the board: The application fee cannot be refunded. **30** 31 (2) The applicant has a time limit within which to take the state examination. 32 If an applicant is unable to take the exam at one of the regularly scheduled times for which he has previously applied, that applicant may take the exam up to 1 year 33 34 later without reapplying or paying an additional fee. 35 (b) An applicant who has applied and paid to take the state exam at a specially scheduled time, **36** and is unable to take the exam at the specially arranged time, that applicant has up to 1 year to **37** reschedule the exam without reapplying or paying an additional fee. 38 39 [10/21/79...07/03/93] 40 [E-]G. Any applicant requesting an examination or reexamination by the [board,] Board, other than regularly scheduled examinations, shall submit the application [which will be reviewed by the board, and if] for 41 42 review by the Board. If the [board] Board determines that there is sufficient justification for administering a special 43 examination, the expense of such special examination shall be borne by the [person or persons] applicant requesting 44 the examination. 45 [10/21/79...07/03/93] 46 [F.]H. An applicant failing this examination may retake the entire exam at a scheduled time and will be 47 charged the full examination fee. 48 [10/21/79...07/03/93] 49 The Executive director of the [board] Board will notify candidates of the examination results **50** within thirty (30) days of the date of the exam. 51 [10/21/79...07/03/93] 52 53 16.25.6.[10]<u>9.</u> RENEWAL OF LICENSE: A list of all fees relating to renewal of an RVT license is listed at 54 16.25.6.8 C. and at the Board's web site: www.nmbvm.org. License will be issued annually, and qualify for renewal the applicant must: 55 [A.

(1) [Have paid] the annual renewal fee: \$35.00.

1	present at the location but has given written or oral instructions for treatment of the animal; and
2	the animal has been examined by veterinarian at such times as good veterinary medical practice
3	requires consistent with the particular delegated veterinary care task; and the animal is not
4	anesthetized.
5	3. The following life saving aid and procedures a registered veterinary technician may
6	perform under prior approval of the licensed veterinarian in the absence of direct supervision
7	includes:
8	(a) Application of tourniquet and/or pressure bandages to control hemorrhages;
9	(b) Administration of pharmacological agents to prevent or control shock, including
10	parenteral fluids, and shall only be continued after direct communication with a
	•
11 12	licensed or license exempt veterinarian. (c) Resuscitative oxygen procedures;
13	(d) Establishing open airways including intubations but excluding surgery;
14	(e) External cardiac resuscitation;
15	(f) Application of temporary splints or bandages to prevent further injury to
16	bones or soft tissues;
17	(g) Application of wound dressings and external supportive treatment in
18	severe burn cases; and
19	(h) External supportive treatment in heat prostration or hypothermal cases.
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36	
37	
38	
39	
40	
41	
42	
43	
44	[04/05/7607/03/93]
45	HISTORY OF 16.25.6 NMAC:
46	Pre-NMAC History: The material in this part was derived from that previously filed with the State Records and
47	Archives:
48	BVE Rule No. 76-1, Rules Governing Veterinary Technicians, 3-5-76.
49	BVE Rule 79-5, Rules Governing Veterinary Technicians, 9-21-79.
50	BVE 88-5, Rules Governing Veterinary Technicians, 10-14-88.
51	BVE 92-5, Rules Governing Veterinary Technicians, 5-22-92.
52	BVE 93-5, Rules Governing Veterinary Technicians, 6-3-93.
53	
54	History of Repealed Material:
55	16 NMAC 25.6, Veterinary Technicians - Repealed, 07-03-93.
56	

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1
      TITLE 16
                        OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
      CHAPTER 25
                        VETERINARY MEDICINE PRACTITIONERS
 3
      PART 7
                        FACILITY LICENSES
 4
 5
                       ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.7.1 NMAC - Rp, 16
      16.25.7.1
 6
      NMAC 25.7.1, 09-01-00]
 7
 8
      16.25.7.2
                       SCOPE: Applies to all veterinary facilities in the [State] state of New Mexico where, or out of
 9
      which, veterinary medicine, dentistry, and/or surgery are practiced.
      [16.25.7.2 NMAC - Rp, 16 NMAC 25.7.2, 09-01-00]
10
11
                        STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-5.F and J.
12
      16.25.7.3
13
      [16.25.7.3 NMAC - Rp, 16 NMAC 25.7.3, 09-01-00]
14
15
      16.25.7.4
                        DURATION: Permanent.
16
      [16.25.7.4 NMAC - Rp, 16 NMAC 25.7.4, 09-01-00]
17
18
      16.25.7.5
                       EFFECTIVE DATE: September 1, 2000 unless a different date is cited at the end of a section.
19
      [16.25.7.5 NMAC - Rp, 16 NMAC 25.7.5, 09-01-00]
20
21
                       OBJECTIVE: To establish requirements for the licensing of veterinary facilities.
      16.25.7.6
22
      [16.25.7.6 NMAC - Rp, 16 NMAC 25.7.6, 09-01-00]
23
24
      [16.25.7.7
                        DEFINITIONS:
                       "facility" means a [building, kennel, mobile practice [unit vehicle], animal shelter, pet shop,
25
       animal supply store, fixed facility, fixed mobile facility, mobile facility, and vaccination clinic where "the practice
26
      of veterinary medicine," as defined in the Veterinary Practice Act, NMSA 1978[.] Section 61-14-2.B (1), (2), and
27
28
      (3), regularly occur[s]. [To include regularly scheduled vaccination clinics or any other veterinary services.
29
                        (1) "animal shelter" means a state, city, county, or private facility where a veterinary clinic
30
                            <del>operates.</del>
31
                        (2) "pet shop" means a store that sells animals and has an operating veterinary clinic.
32
                        (3) "animal supply store" means a store that sells animal supplies and has an operating
                            veterinary clinic.
33
                        (4) "fixed facility" means a building where the practice of veterinary medicine regularly occurs.
34
                        (5) "fixed mobile facility" means the primary place of operation is a fixed building from where
35
                            mobile services are directed.
36
37
                        (6) "mobile veterinary practice" means a vehicle and/or services are provided in house call
38
                        (7) "vaccination clinic" means vaccinations are administered outside of a house call
39
40
                            setting and do not use a mobile vehicle.
41
42
      [16.25.7.7 NMAC - Rp, 16 NMAC 25.7.7, 09-01-00]
43
44
                       FACILITY LICENSE REQUIREMENTS:
      16.25.7.[<del>8</del>]7.
45
                        General Requirements - Every facility in New Mexico where "the practice of veterinary medicine"
               A.
46
      (as defined in the Veterinary Practice Act) regularly occurs must possess a facility license issued by the Board of
47
       Veterinary Medicine.
48
                   (1) Failure to comply with this section may result in disciplinary action by the Board.
49
                   (2) All facility licenses expire, and renewals are due, September 30 of each year.
                   (7) A facility license cannot be issued without [there being] a physical facility.
50
                   (3) Licensee Manager must maintain New Mexico Board of Veterinary Medicine minimum
51
                        standards. [16.25.9.2 NMAC – RP 16.25.9.2 NMAC, 6-7-02.]
52
                       Consulting veterinarians who provide consulting services only – no hands on practice
53
                        whatsoever – is not considered a facility.
54
                   (5) A licensed veterinarian practicing in New Mexico under a 60-day temporary permit issued by
55
```

the Board does not need a facility license.

- B. Any licensed DVM must maintain one facility license independent of type of facility for maintenance of medical records and drug storage. See 16.25.7.7 A and 16.25.9.21.
 (1) A veterinarian working under the jurisidiction of another DVM or Licensee Manager is not required to hold a facility license.
- [B] <u>C.</u> <u>Licensee</u> 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] New Mexico-licensed veterinarian who agrees to take full responsibility for maintaining [Minimum Standards] minimum standards--as stated in [Board promulgated] Board promulgated [regulations,] Regulations including [record keeping,] record keeping, controlled substances, and quality of care--at the facility. This individual is the "Licensee Manager" (Responsible DVM).
 - (2) The Licensee Manager ([Responsible] 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)] (3) A facility's Licensee Manager ([Responsible] responsible DVM) must be:
 - (a) The [person] individual who oversees veterinary services at a facility currently in operation; and
 - (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.
- [C.] D. 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] 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]8. FACILITY LICENSE FEES: A current of fees relating to licensure of facilities is also posted at the Board's web site: www.nmbvm.org.

- [A. Fees shall include, but may not be limited to, the following:
 - (1) initial facility license (for up to one year); [\$100.00.]\$125.
 - - (a) Late-renewal penalties:
 - (i) postmarked after September 30 but no later than October 30: [\$25.00;]\$50.
 - (ii) postmarked after October 30: [\$100.]\$125.
 - (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]9. FACILITY INSPECTIONS AND ASSISTANCE

- A. Regular Facility Inspections Each licensed veterinary facility is inspected by the Board's designated [Facilities] Facility Inspector every other calendar year or at a frequency determined by the Board. The Board [does] conducts 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;
 - (2) Assist facilities in achieving and maintaining minimum standards and <u>to</u> encourage [them to eontinuously improve] the <u>continuous improvement of</u> quality of services:
 - B. Corrective Actions
 - (1) Plans of Correction When the Facility 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) submit a written Plan of Correction within a specified [time-frame;] time-frame; and
 - (b) Follow up to ensure that an appropriate Plan is submitted and followed and that standards are maintained.

- (c) If a facility remains non-compliant after two notifications from the Facility Inspector, the Board will begin the procedures set out in the Uniform Licensing Act to issue a a Notice of Contemplated Action. Such action may result in revocation or suspension of licensure to practice in the state.
- (2) Re-inspections and Consultation For very serious <u>and/or chronic</u> violations of <u>the Minimum</u> [standards,] <u>Standards</u>, the [Facilities] <u>Facility</u> Inspector [may also require one or more reinspections and/or mandatory individualized training and consultation to be conducted by the <u>Inspector.</u>] shall bring those facilities before the Board to determine a formal plan of action which may require mandatory re-inspections.
 - (a) For each mandatory re-inspection, the Board may charge [\$100.00] an administrative fee of \$500.
 - (b) For mandatory, individualized training [—] other than initial training provided at the time of the inspection [at which violations] where violations are found [—], the board [charges] may charge the facility a consulting fee of \$50 per hour for additional consultation not to exceed \$500. On a case by case basis, the board may grant credit for these consultation hours toward the regular annual CE requirement for the Licensee Manager and any other licensed associates.
- [(3) 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.] C. Voluntary Consultation
 - (1) Upon request, the Facility Inspector provides an initial <u>professional</u> 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,] longer term, more intensive training, consultation, or assistance by the [Facilities] Facility Inspector [with relation] relating to specific areas of clinic operations (for example, [recordkeeping] record keeping or handling of controlled substances, etc.), for a fee of \$50 per hour not to exceed \$500. Arrangements shall be approved by the board and coordinated through the board's executive director; and
 - (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]

6 HISTORY OF 16.25.7 NMAC:

Pre-NMAC History:

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

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

41 History of Repealed Material:

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

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1
      TITLE 16
                       OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
                       VETERINARY MEDICINE PRACTITIONERS
      CHAPTER 25
 3
      PART 8
                       BOVINE ARTIFICIAL INSEMINATION AND PREGNANCY DIAGNOSIS TECHNICIANS
 4
 5
                       ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.8.1 NMAC - Rp, 16
      16.25.8.1
 6
      NMAC 25.8.1, 10-12-00]
 7
 8
      16.25.8.2
                       SCOPE: Applies to all bovine artificial insemination and pregnancy diagnosis technicians.
 9
      [16.25.8.2 NMAC - Rp, 16 NMAC 25.8.2, 10-12-00]
10
11
                       STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Section 61-14-5.
      16.25.8.3
12
      [16.25.8.3 NMAC - Rp, 16 NMAC 25.8.3, 10-12-00]
13
14
                       DURATION: Permanent.
15
      [16.25.8.4 NMAC - Rp, 16 NMAC 25.8.4, 10-12-00]
16
17
      16.25.8.5
                       EFFECTIVE DATE: October 1, 2000 unless a different date is cited at the end of a section.
18
      [16.25.8.5 NMAC - Rp, 16 NMAC 25.8.5, 10-12-00]
19
20
      16.25.8.6
                       OBJECTIVE:
                                        To govern instruction, examinations and issuing of permits for bovine artificial
21
      insemination and pregnancy diagnosis.
22
      [16.25.8.6 NMAC - Rp, 16 NMAC 25.8.6, 10-12-00]
23
24
      [16.25.8.7
                       DEFINITIONS:
25
                       "Bovine Artificial [insemination] Insemination (AI) technician" means an individual who has met
              A.
26
              irements for and has been granted, by the New Mexico Board of Veterinary Medicine, a permit to perform
27
      artificial insemination on cattle.
28
                       "Bovine Pregnancy [diagnosis] 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
29
      pregnancy diagnosis on cattle.
30
31
                       "Boying AI/PD Examiner" means the individual the Board has designated to prepare and
      administer the Bovine AI and Bovine PD examinations and to recommend[s] to the Board those individuals who
32
      qualify for Bovine AI and/or Bovine PD permits.
33
34
      [16.25.8.7 NMAC - Rp, 16 NMAC 25.8.7, 10-12-00]
35
36
                       PERMIT REQUIREMENT: Any person who provides Bovine AI and/or Bovine PD services for
      16.25.8.[8]7.
37
      compensation must possess a permit from the Board for each [specialty.] service.
38
                       Bovine AI and Bovine PD permits are separate. An applicant may obtain a Bovine AI permit, a
               A.
39
      Bovine PD permit, or both.
40
                       The Bovine AI/PD permit year is January 1 through December 31 and renewals are issued
41
      annually. All Bovine AI and Bovine PD permits expire on December 31 of each year.
42
      [16.25.8.8 NMAC - N, 10-12-00]
43
44
      16.25.8.[<del>9</del>]8.
                       INSTRUCTION, EXAMINATIONS, AND LICENSING:
45
                       To obtain a Bovine AI and/or Bovine PD permit, an applicant must:
              A.
46
                       [complete] Complete Bovine AI and/or Bovine PD instruction given by the Bovine AI/PD
                  (1)
                       examiner or through another institution [, as approved] appointed by the [board.] Board.
47
48
                              To request [board] Board approval for a particular Bovine AI and/or PD course of
49
                              instruction--for example, instruction given out of state--an applicant must provide the
50
                              Board with a course outline/description, including number of instructional contact hours.
                              At its next meeting, the [board discusses the request and makes a] Board will make its
51
                        (b)
                              determination whether approval will be granted.
52
                       [pass] Applicant must pass Bovine AI and/or PD written and proficiency examination prepared
53
```

administered by the AI/PD examiner.

54

55 56 and administered by the Board or its appointed agent(s). [the AI and/or PD exam(s) prepared and

```
2
                        The purpose of the examination(s) is to determine the knowledge and proficiency of each
 3
                        applicant. The exam is in two parts, written and practical; the passing grade is determined by
 4
                        the [board.] Board.
 5
                        [be] Be recommended by the Board appointed examiner as qualified for the Bovine AI and/or
 6
                        Bovine PD permit(s).
 7
                        Upon the examiner's recommendation, the [board] Board may issue a [n] Bovine AI and/or Bovine
               B.
 8
                        PD permit.
                        Each <u>Bovine [a]</u> <u>Artificial [i]Insemination and/or <u>Bovine [p]</u> <u>Pregnancy [d]</u> <u>Diagnosis permit</u></u>
 9
               C.
10
       applicant has one (1) year in which to apply to the [board] Board for a permit after passing the examination(s). If
       the applicant does not apply for a permit within one year, [he/she] applicant must retake the examination(s).
11
                       [(1) Fees for instruction are paid directly to the person or institution that provides the instruction,
12
       whether this is the [board_designated] examiner appointed by the Board or [some] another institution;]
13
14
               (2) (1) Examination fee is paid directly to the [board designated examiner] Board for the written
15
                        portion of the examination. The fee for the proficiency portion of the examination, is paid
                        directly to the Board appointed examiner; and
16
               [(3)] (2) Fees for initial Bovine AI/PD permits and annual renewals are paid to the Board of
17
18
                        Veterinary Medicine A current list of all fees relating to Bovine Artificial Insemination
19
                        and/or Bovine Pregnancy Diagnosis permits is also posted at the Board's web site:
20
                        www.nmbvm.org.[,]
21
                               initial permit (each permit, Bovine AI or Bovine PD); $75.
22
                               annual permit renewal (each permit, Bovine AI or Bovine PD); $75.
                         (b)
23
                         (c)
                               late-renewal penalty fees:
24
                                    postmarked after December 31 but no later than January 31: [$25] $50; or
                               (i)
25
                                    postmarked after January 31: [$50.] $75.
26
27
       [16.25.8.9 NMAC - Rp, 16 NMAC 25.8.8 & 9, 10-12-00; A, 1-10-2004]
28
29
                        FLICENSE! PERMIT RENEWAL:
       16.25.8.[<del>10</del>]<u>9.</u>
                        To renew his/her Bovine AI or Bovine PD permit, a technician must pay the $75.00 annual
30
               [<del>A.</del>
31
       renewal fee by December 31.
32
                        Bovine AI and Bovine PD technicians must pass the proficiency or equivalent portion of the
33
       Bovine AI/PD examination every three years as determined by the Board.
34
                        Bovine AI or Bovine PD technicians are not required to accrue continuing education hours.
35
                [<del>B.</del>]C.
                        Before the December 31 renewal date, the Board office sends [all] Boyine AI and/or/PD
36
       technicians a renewal [notice and] form to be [filled out] completed and returned with the renewal fee.
37
                [C]D. If a nd/or PD technician permit lapses and is not renewed within one (1) year, the
38
       applicant must retake and pass the examination(s) [again] before [he/she] permittee can obtain a new permit.
39
       [16.25.8.10 NMAC - N, 10-12-00]
40
41
       16.25.8.[11]10. DISPLAY OF [LICENSE]: PERMIT; A[n]Bovine AI and/or PD technician shall have displayed
42
       at locations where [he/she performs] Bovine AI and/or Bovine PD [technicians,] services are performed, [his/her]
       the original New Mexico Bovine AI and/or Bovine PD certificate(s) and the current [year's licensing] year permit
43
44
       renewal certificate(s).
45
       [16.25.8.11 NMAC - N, 10-12-00]
46
47
       HISTORY OF 16.25.8 NMAC:
48
       Pre-NMAC History:
49
       BVE 79-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 9-21-79.
50
       BVE 88-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 10-14-88.
51
       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.
52
53
       History of the Repealed Material:
54
       16 NMAC 25.8, Artificial Insemination and Pregnancy Diagnosis - Repealed, 10-12-00.
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1
      TITLE 16
                        OCCUPATIONAL AND PROFESSIONAL LICENSING
                        VETERINARY MEDICINE PRACTITIONERS
 2
      CHAPTER 25
 3
      PART 9
                        MINIMUM STANDARDS
 4
 5
                        ISSUING AGENCY: New Mexico Board of Veterinary Medicine [16.25.9.1 NMAC - Rp
      16.25.9.1
 6
      16.25.9.1 NMAC, 6-7-02]
 7
 8
      16.25.9.2
                        SCOPE: Applies to all veterinary facilities operating in the State of New Mexico--i.e., all
 9
      facilities at which the "practice of veterinary medicine" (as defined in the Veterinary Practice Act, section 61-14-
10
      2.B) regularly occurs.
11
      [16.25.9.2 NMAC - Rp 16.25.9.2 NMAC, 6-7-02]
12
13
                       STATUTORY AUTHORITY: Veterinary Practice Act, NMSA 1978 Sections 61-14-5.F and J
      16.25.9.3
14
      and 61-14-13.
15
      [16.25.9.3 NMAC - Rp 16.25.9.3 NMAC, 6-7-02]
16
17
      16.25.9.4
                        DURATION: Permanent.
18
      [16.25.9.4 NMAC - Rp 16.25.9.4 NMAC, 6-7-02]
19
20
      16.25.9.5
                        EFFECTIVE DATE: June 7, 2002 unless a different date is cited at the end of a section.
21
      [16.25.9.5 NMAC - Rp 16.25.9.5 NMAC, 6-7-02]
22
23
      16.25.9.6
                        OBJECTIVE: To govern minimum standards for the practice of veterinary medicine.
24
      [16.25.9.6 NMAC - Rp 16.25.9.6 NMAC, 6-7-02]
25
      [16.25.9.7
                        DEFINITIONS:
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                        "mobile veterinary practice" means providing a wide range of medical or surgical services in a
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      movable trailer, pick up, motor home, or other vehicle designed or modified to function as a veterinary practice
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      facility.
                        "clean surgery" means the performance of a surgical operation for the treatment of a condition and
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      under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of
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       aseptic surgical procedures.
                        "facility" means a building, kennel, mobile unit, vehicle, animal shelter, pet shop, or animal
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               <del>C.</del>
      supply store where "the practice of veterinary medicine" as defined in the Veterinary Practice Act (to include
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      regularly scheduled vaccination clinics or any other veterinary services) regularly occurs.
                        "small animal mobile facility" means a trailer or mobile unit established to function as a veterinary
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      premises which concentrates in providing veterinary services to common domestic household pets.
                        "infectious waste" means those solid wastes contaminated with organisms, which may cause
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               E.
      human disease and may reasonably be suspected of harboring human pathogenic organisms, or may pose a threat or
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      potential hazard to human health. In terms of veterinary medicine, this includes, but is not limited to the following:
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       animal tissue, bedding and other wastes from animals known or suspected to be infected with a pathogen which also
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       causes human disease, provided that prevailing evidence indicates that such tissue, bedding or other waste may act
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      as a vehicle of transmission to humans.
                       "sterilization" means the complete destruction of micro organisms by heat, bactericidal chemical
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               F.
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       compound, radiation or desiccation.
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                        "disinfection" means the destruction of pathogenic microorganisms.
               G.
                        "sharps" means any discarded article that may cause punctures or cuts. Such wastes may include.
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      but are not limited to needles, scalpel blades, glass slides, glassware, suture needles and trocars.
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      [16.25.9.7 NMAC - Rp 16.25.9.7 NMAC, 6-7-02; A, 6-16-03]
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      16.25.9.[<del>8</del>]7.
                        GENERAL STANDARDS:
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                        The delivery of veterinary care shall be provided in a competent and humane manner.
               A.
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               B.
                        Veterinary medicine shall be performed in a manner compatible with current veterinary medical
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practice.

16.25.9.[10]9. 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] re-open and where pre-arranged after hours veterinary care is available.

- B. All fixed premises shall conform to or possess the following:
 - (1) Exterior

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- (a) A legible sign:
- (b) Facility clean and in good repair; and
- (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'] the 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 <u>made</u> of materials suitable for regular disinfection and cleaning:
 - (e) Facility license conspicuously displayed; and
 - (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:
 - 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; and
- (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] 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; and
 - (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.[44]10. 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'] the 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 <u>is</u> 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; and
 - (18) Proper instrumentation and sterilization maintained in the vehicle to accommodate those services which the veterinarian-[holds himself/herself out as] maintains he/she is capable of providing.
- B. Large Animals. A large animal mobile veterinary facility shall conform to [or possess] or provide the following:
 - (1) Maintenance of facility in a clean and sanitary fashion.
 - (2) Items of equipment 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] aseptic 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:

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                               Current and properly stored pharmaceuticals and biologics as per manufacturer's label; and
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                         (d)
                               A means of cold sterilization.
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                        The capability to render diagnostic radiological services, either through the mobile veterinary unit
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                        or through other commercial facilities.
 5
                        The capability to provide clinical pathology and histopathology diagnostic laboratory services,
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                        either through the mobile veterinary unit or through outside services.
 7
                        In all types of mobile veterinary practice, minimum standards of practice must be adhered to and a
               C.
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      veterinarian-client-patient relationship must exist.
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      [16.25.9.11 NMAC - Rp 16.25.9.17 NMAC, 6-7-02]
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                        PREMISES - EMERGENCY CLINICS:
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      16.25.9.[<del>12</del>]<u>11.</u>
                        Emergency clinics are facilities which advertise or otherwise purport to provide veterinary medical
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               A.
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       services when these services are not normally available through other facilities. Nothing contained in this rule is
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      intended to prohibit any licensed facility from providing services of an emergency nature.
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                        The minimum staffing requirements for an emergency facility shall include a licensed veterinarian
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      on the premises at all times during the posted hours of operation.
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               C.
                        [Its advertisements] Advertisements shall clearly state:
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                   (1) A licensed veterinarian is on the premises during the posted emergency hours;
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                   (2)
                        The hours the facility will provide emergency services; and
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                   (3)
                         The address and telephone number of the facility.
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               D.
                        In addition to the equipment for veterinary hospitals and clinics, all emergency facilities [also]
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      shall have the equipment necessary to perform standard emergency medical procedures, including, but not limited
23
      to:
24
                         The capability to render timely diagnostic radiological services on premise;
                   (1)
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                         The capacity to render timely laboratory services on premises; and
                   (2)
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                        The ability to provide diagnostic cardiac monitoring.
                   (3)
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                        Emergency clinics shall meet the same standards as "fixed veterinary premises."
               E.
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      [16.25.9.12 NMAC - Rp 16.25.9.16 NMAC, 6-7-02]
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       16.25.9.[13]12. PREMISES - NON-FULL SERVICE FACILITIES: [A.] Referral, specialty, and other facilities
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      in which the services provided are limited in scope shall:
                        Identify the name of the primary veterinarian on each patient's medical record; and
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                   (2) Possess all necessary instruments, equipment, and apparatus [compatible with] essential to the
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                        Non-full service facilities shall meet the same standards as "fixed veterinary premises."
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      [16.25.9.13 NMAC - N, 6-7-02]
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      16.25.9.[14]13. PREMISES - FOOD ANIMAL FACILITIES: Veterinary premises where food animal medicine
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      is practiced shall have a reception room and office or a combination of the two. The premises shall contain the
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      following:
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                        Facilities for cleaning and sterilizing instruments and equipment;
               A.
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               B.
                        Telephone and/or answering services;
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               C.
                        [Record keeping] Record keeping system;
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                        Facilities for proper storage of pharmaceuticals and biologics;
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               E.
                        Holding pens;
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               F.
                        Capability for providing restraint; and
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G.

Sanitizable area for clean surgery.

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

16.25.9.[15]14. RADIOLOGICAL SERVICES:

- A. [Full service] Full service veterinary practices must have the capacity to render adequate diagnostic radiological services, either in the [hospital] facility or through an [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 where <u>easily</u> maintained <u>and accessible</u> by that facility for a period of three (3) years.
- C. All exposed radiographs radiographs shall have a permanent, legible identification and shall include the following information: [., 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.] identification;
 - (4) Patient identification;
 - (5) The date the radiograph was taken; and
 - (6) Anatomical orientation, left or right, as indicated.
- D. Radiographs shall be temporarily released (loaned) in a timely manner [within a reasonable time period upon the request of] to 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. Pursuant to the State of New Mexico Environmental Protection Act, 20.3.6 NMAC, each facility shall maintain an x-ray log containing the examinations and the dates those examinations were performed. The log shall indicate when techniques for procedures vary from those specified in the technique chart required in 602.A.1.c [Subparagraph (c), Paragraph (1), Subsection A., Section 602 of 20.3.6.602 NMAC].
 - [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; and]
 - [(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]15. 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] in a timely manner to another veterinarian who has the authorization of the owner/agent [or agent for the animal to which it pertains] or directly to the owner /agent. [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]16. PHARMACEUTICAL SERVICES:

- A. No legend or controlled drug shall be prescribed, dispensed, or administered without the establishment of a veterinary veterinarian-client-patient relationship.
 - B. All legend drugs shall be stored in a secure [d] 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.

1 All drugs and biologics shall be maintained, administered, dispensed, and prescribed in E. 2 compliance with state and federal laws. 3 F. Unless otherwise requested by the owner, and noted in the medical record, all repackaged legend 4 and dangerous drugs shall be dispensed in safety-closure containers. 5 All drugs shall be labeled with: G. 6 Name, address, and phone number of the facility; (1) 7 (2) Client's name: 8 (3) Patient's name: 9 (4) Date dispensed; 10 Name and strength of drug: (5) 11 (6) Directions for use: **12** (7) Quantity dispensed; 13 Expiration date of drug; (8) 14 (9) Name of prescribing veterinarian; and (10) The words "For veterinary use only" and "Keep out of reach of children." 15 Veterinarians shall honor client requests to dispense a drug or drugs and/or provide a written 16 H. 17 prescription for a drug or drugs that has been determined by the veterinarian to be appropriate for the patient. 18 [16.25.9.17 NMAC - Rp 16.25.9.12 NMAC, 6-7-02; A, 8-25-04] 19 20 16.25.9.[18]<u>17.</u> SURGICAL SERVICES: 21 Aseptic surgery means a procedure that is performed under sterile conditions. 22 [A.](1) Sterile surgery shall be defined as procedures in which aseptic technique is practiced in patient 23 preparation, instrumentation, and surgical attire. 24 (2) 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 25 warrant the use of aseptic surgical procedures. 26 B. 27 The surgeon is responsible for the surgical case until it is completed and there is adequate recovery 28 of the patient from anesthesia. C. 29 Surgery room. **30** A room shall be designated for aseptic procedures only, in which no other uses are permitted; (1) 31 The surgery room shall be well lighted and have available an operational viewing device for (2) 32 reviewing radiographs; 33 The floors, tabletops, and countertops of the surgery room shall be of a material suitable for 34 [regular] disinfection and cleaning, and shall be cleaned and disinfected regularly; 35 Storage in the surgery room is limited to surgically related items only; and (4) Nothing in this section shall preclude the performance of emergency aseptic surgical procedures 36 (5) **37** in another room when the room designated for that purpose is already occupied. 38 Instruments and equipment. D. 39 Instruments and equipment shall be: (1) Adequate for the type of surgical service provided; and 40 41 Sterilized by a method acceptable for the type of surgery for which they shall be used. 42 (2) In any sterile surgical procedure, a separate sterile pack and [glove] gloves shall be used for each 43 44 All instruments, packs, and equipment that have been sterilized shall have an indicator that reacts 45 to and verifies sterilization within one year; and 46 Suture material shall not be used beyond the manufacturer's expiration date; E. 47 Surgical attire. 48 (1) Each member of the surgical team shall wear an appropriate sanitary cap and sanitary mask which 49 covers his or her hair, mouth, nose, and any facial hair, except for eyebrows and eyelashes; 50 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; 51 Ancillary personnel in the surgery room shall wear clean clothing; 52 (3) Ancillary personnel in immediate proximity to the sterile field shall wear sanitary cap and mask; 53 54 and

 (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 Administration of 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 two weeks prior to the administration of an anesthetic;
 - (b) The animal under general anesthesia shall be under continuous observation [until at least] until, at minimum, 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; and
 - (h) Effective means shall be provided for exhausting waste gasses from hospital areas in which inhalation anesthesia is used.

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]18. 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, and 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]19. DIRECT SUPERVISION OF NON-VETERINARIANS: Non-licensed individuals are prohibited from practicing veterinary medicine[, which includes <u>but is not limited to chiropractic</u>, physical therapy, acupuncture, acupressure, homeopathy, therapeutic massage, dentistry, embryo transfer, or any other related services on animals, as defined in the Veterinary Practice Act, 61-14-2.B.(1) <u>and 16.25.1.7.B</u>, except under the direct supervision of a New Mexico-licensed veterinarian.

- (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]. May 1 annually unless prior written notice is submitted to the appropriate agency by the Licensee Manager;
 - (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); and
 - (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 is 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] DEA licensed disposer; and
 - (f) The posting of both the DEA and NMCS licenses [in the pharmacy area] shall be kept where easily accessible in the pharmacy area but not in public view.
- 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] disk magnetic tape or other acceptable device or method shall be made.

[16.25.9.21 NMAC - Rp 16.25.9.19 NMAC, 6-7-02]

16.25.9.[22]21. MANAGEMENT OF WASTE:

A. A <u>licensed</u> veterinarian shall <u>oversee the handling, treatment and disposition</u> [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 <u>licensed</u> 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; and
- (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] 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] disposer, 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,] sharps contained in a puncture resistant container, which 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.]; and

- (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] non-offensive manner by means of regular solid waste disposal methods.
- D. A <u>licensed</u> veterinarian shall <u>oversee the handling of handle</u>-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; and
 - (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] 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 <u>licensed</u> veterinarian will immediately contact the State Department of Agriculture, the U. S. Department of Agriculture, and other departments <u>[necessary that would pertain to]</u> that have jurisdiction over such an occurrence. The <u>licensed</u> veterinarian shall oversee the handling of 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.

34 History of Repealed Material:

35 16 NMAC 25.9, Minimum Standards - Repealed, 9-1-00.

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

- TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING 1
- 2 CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
- PART 10 **RESERVED**

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1
      TITLE 16
                       OCCUPATIONAL AND PROFESSIONAL LICENSING
 2
      CHAPTER 25
                        VETERINARY MEDICINE PRACTITIONERS
 3
      PART 11
                       PARENTAL RESPONSIBILITY
 4
 5
      16.25.11.1
                       ISSUING AGENCY: New Mexico Board of Veterinary Medicine [05/31/96]
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      16.25.11.2
                       SCOPE: Provisions for Part 11 of Chapter [16] 25 shall apply to all those licensed by the New
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      Mexico Board of Veterinary Medicine.
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      [05/31/96]
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      16.25.11.3
                       STATUTORY AUTHORITY: Section 61-14-5F Veterinary [Medicine] Practice Act directs the
      State Board of Veterinary Medicine to adopt, regularly review and revise rules and regulations necessary to carry
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      out the provisions of the Veterinary [Medicine] Practice Act after a hearing open to the public. The Board adopts
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      this Part pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995), which requires all professional
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15
      licensing boards to promulgate rules and regulations to implement the Parental Responsibility Act.
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      [05/31/96]
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      16.25.11.4
                       DURATION: Permanent.
19
      [05/31/96]
20
21
      16.25.11.5
                       EFFECTIVE DATE: May 31, 1996, unless a different date is cited at the end of a section or a
22
      paragraph.
23
      [05/31/96]
24
25
      16.25.11.6
                       OBJECTIVE: To ensure that licensees and applicants for licensure from the Board of Veterinary
26
      Medicine comply with the Parental Responsibility Act.
27
28
      16.25.11.7
                       DEFINITIONS: (Reserved)
29
      [05/31/96]
30
31
      16.25.11.8
                        AUTHORITY:
32
                       The Board adopts this Section pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995).
               A.
33
      [05/31/96]
34
                       DEFINITIONS:
35
      16.25.11.9
36
                       All terms defined in the Parental Responsibility Act shall have the same meanings in this Section.
37
      As used in this Section:
38
                        "HSD" means the New Mexico Human Services Department;
                  (1)
39
                        "Statement of Compliance" means a certified statement from HSD stating that an applicant or
40
                        licensee is in compliance with a judgment and order for support; and
                        "Statement of Non-compliance" means a certified statement from HSD stating that an applicant or
41
42
                        licensee is not in compliance with a judgment and order for support.
43
      [05/31/96]
44
45
      16.25.11.10
                       DISCIPLINARY ACTION:
46
                       If an applicant or licensee is not in compliance with a judgment and order for support, the Board:
               A.
47
                  (1)
                        Shall deny an application for a [license:] license.
48
                  (2)
                        Shall deny the renewal of a [license; and] license.
49
                        Has grounds for suspension or revocation of the license.
50
      [05/31/96]
51
52
                       CERTIFIED LIST:
      16.25.11.11
53
                       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
54
      [later] subsequent receipt of an application for [license] licensure or renewal, the Board shall match the applicant
55
```

against the current certified list. By the end of the month in which the certified list is received, the Board shall report

1 to HSD the names of Board applicants and licensees who are on the certified list and the action the Board has taken 2 in connection with such applicants and licensees. 3 [05/31/96] 4 5 **INITIAL ACTION:** 16.25.11.12 6 Upon determination that an applicant or licensee appears on the certified list, the Board shall: A. 7 Commence a formal proceeding under subsection F to take the appropriate action under (1) 8 subsection C: [or] 9 For current licensees [only,] only: informally notify the licensee that the licensee's name is on the 10 certified list, and that the licensee must provide the Board with a subsequent Statement of Compliance from HSD by the fearlier of the application for license renewal or a specified date not 11 to exceed [thirty days, sixty days]. If the licensee fails to provide this statement, the Board shall-**12** commence a formal proceeding under subsection F. earlier of: 13 14 (a) the application for license renewal; or 15 (b) specified date not to exceed (30) days. If the licensee fails to provide this statement, the Board shall commence a formal proceeding under subsection F. 16 17 [05/31/96] 18 19 16.25.11.13 NOTICE OF CONTEMPLATED ACTION: 20 Prior to taking any action specified in subsection C, the Board shall serve written notice to fupon A. 21 the applicant or licensee [a written notice stating that:] setting forth; 22 The Board has grounds to take such action, and that the Board shall take such action unless the 23 licensee or applicant: The grounds, as determined by the Board, to take such action and the 24 Board's intention to take such action unless the licensee or applicant: 25 Mails a letter (certified mail return receipt requested) within twenty (20) days after service 26 of the notice requesting a hearing; or 27 Provides the Board, within thirty (30) days of the date of the notice, [with] a Statement of (b) 28 Compliance from HSD: and 29 [05/31/96] **30** If the applicant or licensee disagrees with the determination of non-compliance, or wishes to come B. 31 into compliance, the applicant or licensee [should] shall contact the HSD Child Support Enforcement Division. **32** [05/31/96] 33 34 16.25.11.14 **EVIDENCE AND PROOF:** 35 In any hearing under this section, relevant evidence is limited to the following: A. **36** A statement of Non-compliance is conclusive evidence that requires the Board to take the **37** appropriate action under subsection C of this section, unless: 38 The applicant or licensee provides the Board with a subsequent Statement of [Compliance,] 39 Compliance which shall preclude the Board from taking any action under this Section. 40 [05/31/96] 41 42 16.25.11.15 ORDER: 43 When a disciplinary action is taken under this Section solely because the applicant or licensee is 44 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] Statement of Compliance. The Board may also include any 45 other conditions necessary to comply with Board requirements for reapplications or reinstatement of lapsed licenses. 46 47 [05/31/96] 48 49 16.25.11.16 PROCEDURES: **50** A. Proceedings under this Section shall be governed by the Uniform Licensing Act, Section 61-1-1 et 51 seq. 52 [05/31/96]

53 54

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HISTORY OF 16.25.11 NMAC:

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

History of Repealed Material:

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING 1 CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS 2 3 4 PART 12 **RESERVED**

