TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 3 PROFESSIONAL CONDUCT

16.25.3.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine
[16.25.3.1 NMAC - Rp, 16.25.3.1 NMAC, xx-xx-2014]

16.25.3.2 SCOPE: Applies to all persons licensed to practice veterinary medicine in the state of New Mexico.[16.25.3.2 NMAC - Rp, 16.25.3.2 NMAC, xx-xx-2014]

16.25.3.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-13 and Section 61-14-19.
[16.25.3.3 NMAC - Rp, 16.25.3.3 NMAC, xx-xx-2014]

16.25.3.4 DURATION: Permanent.
[16.25.3.4 NMAC - Rp, 16.25.3.4 NMAC, xx-xx-2014]

16.25.3.5 EFFECTIVE DATE: xx-xx-2014, unless a later date is cited at the end of a section.
[16.25.3.5 NMAC - Rp, 16.25.3.5 NMAC, xx-xx-2014]

16.25.3.6 OBJECTIVE: To govern the professional conduct of any person licensed or permitted by the board to engage in the veterinary profession in the state of New Mexico. Violations of any of these rules are grounds for action against a licensee.
[16.25.3.6 NMAC - Rp, 16.25.3.6 NMAC, xx-xx-2014]

16.25.3.7 DEFINITIONS: [RESERVED]

16.25.3.8 CONDUCT: All professionals licensed by the board of veterinary medicine are subject to the Veterinary Practice Act and rules promulgated by the board.

A. Violations of the Veterinary Practice Act or rules promulgated by the board are subject to the complaint process as governed by the Uniform Licensing Act.

B. Complaints are reviewed by the board on a case by case basis to determine if disciplinary action is necessary. Unprofessional conduct by a licensee in a complaint determined by the board includes but is not limited to noncompliance with terms of a settlement agreement entered into with the board by a licensee to resolve a complaint.

C. A licensee shall not represent conflicting interests except by express consent of all concerned subsequent to a full disclosure of the facts.

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.

E. A licensee shall expose, without fear or favor, before the proper tribunal or the New Mexico board of veterinary medicine, corrupt or dishonest conduct in the profession.

F. A veterinarian must decide what professional employment will be accepted and what course of treatment will be followed once employed. The responsibility for advising questionable or unusual treatment rests upon the veterinarian. If a licensee is asked to perform a treatment that is questionable or unusual, the licensee must use his own professional judgment about whether he will perform this treatment.

G. No licensee shall render any service or advice contrary to the law. A veterinarian must also observe and advise clients to observe applicable laws and regulations.

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 the deception or betrayal of the public.

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 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.

J. The professional services of a veterinarian shall not be controlled or exploited by any lay, personal or corporate agency 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.

K. Each veterinarian shall display at the business location, in full view of the public, his original license certificate signed by the board along with the current year renewal license. If licensee is providing veterinary services in a relief capacity, the current year renewal license must be easily accessible.

L. 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.

M. A licensed veterinarian shall not use or display any unearned certificate, college degree, or title.

N. A licensed veterinarian shall not promote, aid, or abet any illegal or unethical act on the part of any veterinarian or in the practice of veterinary medicine by an unlicensed person except as permitted by the Veterinary Practice Act.

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

P. A licensed veterinarian shall not guarantee a cure. A licensed veterinarian must avoid bold and confident assurances to clients especially where employment may depend upon such assurances.

Q. A licensed veterinarian shall treat all animals entrusted by clients in keeping with the professional standard of humane treatment and care.

R. A licensed veterinarian shall conduct the practice of veterinary medicine on the highest plane of honesty, integrity and fair dealing with clients in time and services rendered, and in the amount charged for service, facilities, appliances and drugs.

S. A licensed veterinarian shall not violate the confidential relationship with his client.

T. The reporting of cruelty or illegal action is not a violation of confidentiality.

U. A licensed veterinarian or veterinary technician shall not use or participate in the use of any form of representation, advertising or solicitation which contains false, deceptive or misleading statement(s) or claim(s). False, deceptive or misleading statements or claims are those which:

(1) advertise or represent that a service or product is free, or similar language, coupled with any required service or product for which a fee is charged;

(2) contains a prediction of future success or guarantee that satisfaction or cure will result from the performance of a professional service;

(3) refer to secret methods of treatment or special services;

(4) concern illegal transactions;

(5) imply that a licensed veterinarian is a specialist unless the veterinarian is a diplomate or AVMA board certified in the following specialties:

(a) avian;
(b) beef cattle;
(c) canine and feline;
(e) dairy;
(f) dermatology;
(g) emergency and critical care;
(h) equine;
(i) exotic companion mammal;
(j) feline;
(k) food animal;
(l) internal medicine;
(m) laboratory animal medicine;
(n) ophthalmology;
(o) reptile and amphibian;
(p) surgery;
(q) swine health management;
(r) veterinary preventive medicine;
(s) zoology.

(6) imply that a licensed veterinarian is certified in the following complementary, alternative or integrative therapies including but not limited to:

(a) acupuncture;
(b) acutherapy;
(c) acupressure;

(d) homeopathy;

(e) manual or manipulative therapy i.e, therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy;

(f) massage;

(g) naturopathy;

(h) physical rehabilitation;

(i) nutraceutical therapy;

(j) phytotherapy.

(7) are intended or are likely to create an inflated or unjustified expectation;

(8) contains an expressed or implied material misrepresentation of the fact;

(9) fail to state any material fact necessary to make the statement or claim not misleading in the circumstances under which it is made;

(10) would result in the violation of any law or regulation or a contractual or other obligation of any person with whom the licensed veterinarian seeks to communicate;

(11) contain a representation or implication that is likely to cause an ordinary prudent lay person to misunderstand or be deceived, or fail to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;

(12) relate to professional fees other than:

(a) the fixed fee charged for a specific professional service provided that the description of such service would not be deceptive and that the statement indicates whether additional fees may be required in individual cases; or

(b) the range of fees for specifically described professional services provided there is reasonable disclosure of all relevant and variable considerations affecting the fees, so that the statement would not be misunderstood or be deceptive including without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

V. A licensed veterinarian or veterinary technician shall not use or display any college degree, certificate or title granted by any institution not approved by the New Mexico board of veterinary medicine.

W. A licensed veterinarian shall not use present or past position(s) or office(s) of trust deliberately to create any individual professional advantage, or to coerce or deceive the public.

X. All licensed professionals are subject to the Veterinary Practice Act and rules promulgated by the board.

Y. Violations of the Veterinary Practice Act or rules promulgated by the board are subject to the complaint process as governed by the Uniform Licensing Act.

Z. The licensee is required to abide by all statutes and rules of any board, commission, and agency including county or city ordinances governing any aspect of the practice of veterinary medicine.

AA. Dishonesty in the practice of veterinary medicine is prohibited.

BB. Habitual or excessive use of intoxicants or drugs is prohibited.

CC. The use of any controlled or legend drug or substance on any animal for the purpose of illegally influencing the outcome of a competitive event is prohibited.

DD. Failure to maintain required radiological records 20.3.1.108 NMAC or controlled substance logs and medical records is prohibited.

EE. Failure to report as required by law or making a false report of any contagious or infectious disease is prohibited.

FF. Unfair or deceptive practices in the conduct of the profession are prohibited.

GG. Violation of the Veterinary Practice Act or of any rule adopted by the board is prohibited. See Uniform Licensing Act.

HH. Failure of a licensed veterinarian or facility to refer a client, upon the client's request, to another licensed veterinarian is prohibited.

[16.25.3.8 NMAC - Rp, 16.25.3.8 NMAC, xx-xx-2014]

HISTORY OF 16.25.3 NMAC:

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

BVE Rule No. 75-2, Rules Governing the Professional Conduct of Veterinarians, 12-5-75.

BVE Rule No. 75-2, Pertaining to the Rules Governing the Professional Conduct of Veterinarians, 4-7-78.

BVE Rule 79-2, Rules Governing the Professional Conduct of Veterinarians, 9-21-79.

BVE Rule 82-1, Rules Governing the Professional Conduct of Veterinarians, 3-2-82.
BVE 88-2, Rules Governing the Professional Conduct of Veterinarians, 10-14-88.
BVE 92-2, Rules Governing the Professional Conduct of Veterinarians, 5-22-92.
BVE 92-2, Rules Governing the Professional Conduct of Veterinarians, 6-3-93.

History of Repealed Material:
16 NMAC 25.3, Professional Conduct – Repealed effective, 07/03/93.
16.25.3 NMAC, Professional Conduct - Repealed effective, xx-xx-14.