

1 **NEW MEXICO BOARD OF VETERINARY MEDICINE**  
2 **REGULAR MEETING**

3  
4 **New Mexico Racing Commission Hearing Room**  
5 **4900 Alameda Blvd., N.E.**  
6 **Albuquerque, New Mexico 87113**

7  
8 **MINUTES**

9 **October 2, 2015**

10  
11 **CALL TO ORDER:** The regular meeting of the New Mexico Board of Veterinary  
12 Medicine was called to order by Chair Rebecca J. Washburn at approximately 9:13 a.m. Roll  
13 call and introductions were made.  
14

15 **ROLL CALL:**

16 **MEMBERS PRESENT:**

17 Dr. Rebecca J. Washburn  
18 Dr. John C. Wenzel  
19 Dr. Allison B. Stout  
20 Dr. Manuel Garcia  
21 Dr. Edward J. Fallen  
22 Marybeth Brown-Pirrone  
23 Denai Forrest

24 **BOARD REPRESENTATIVES:**

25 Frances Sowers, Executive Director  
26 Dr. Edward Gentz, Investigator  
27 Dr. Stephen England, Alternate Investigator  
28 Dr. Gaven B. Kuykendall, Facility Inspector

29 **BOARD CIVIL COUNSEL:**

30 Lesley Lowe  
31

32 **GUESTS:**

33 Dr. Ellen Mary Wilson, State Veterinarian  
34 Tamara Spooner, NMVMA  
35 Dr. Lindsey Gardner, Brown Mackie College  
36 Dr. Yvette Breden, CNM  
37 JoLynn Chacon, NMRVTA  
38 Debbie Gurnari, Low Cost Spay/Neuter Programs  
39 Bob Follis  
40 Judy Follis  
41 Del Lindsay  
42 Elisa Patterson, Brown Mackie College  
43 Evelyn Selva, NMRVTA and CNM  
44 Michael Russell, Y Law Firm  
45 Alan Chastain, DVM  
46 Ari Biernoff, Attorney General Office

47 **OPENING STATEMENT:** Dr. Washburn welcomed everyone to the meeting. Dr.  
48 Washburn asked members in the audience to stand and introduce themselves and their  
49 organizations.  
50

51 **ACCEPTANCE OF AGENDA:** Dr. Wenzel moved to accept the Agenda with  
52 flexibility; Dr. Garcia seconded. All in favor, motion passed.  
53

54 **APPROVAL OF MINUTES:** Dr. Wenzel moved Dr. Garcia seconded to approve  
55 the June 19, 2015 minutes. All in favor, motion passed.  
56

57 **OPEN MEETING RESOLUTION:** Dr. Wenzel moved Dr. Garcia seconded to  
58 approve the Open Meeting Resolution for FY-16. All in favor, motion passed.  
59

60 **BOARD FACILITY INSPECTOR:** Dr. Washburn welcomed Gaven Kuykendall,  
61 DVM, Board Contract Facility Inspector.  
62

63 Dr. Kuykendall raised a concern about the pet vaccination clinics held throughout the state  
64 at Tractor Supply Company. Dr. Kuykendall reported that in the 175 inspections he has  
65 conducted throughout the state, he has not encountered a New Mexico-licensed DVM who  
66 is working at the vaccination clinics. Dr. Kuykendall wanted to inform the Board of his  
67 findings and his concerns that the DVM providing the vaccines at the clinics is not a New  
68 Mexico-licensed DVM.  
69

70 Dr. Kuykendall expressed his concern that the minimum standards of veterinary care are  
71 not being met at shelters. Dr. Kuykendall acknowledged the lack of the Animal Sheltering  
72 Board supervision and requested Board guidance concerning his role as inspector and the  
73 lack of minimum standards in shelters. The Board instructed Dr. Kuykendall to look at  
74 the entire facility, not just the areas where surgery or other veterinary procedures are  
75 performed. The Board further advised Dr. Kuykendall to report abuses so that the Board  
76 can initiate investigations of the alleged abuses.  
77

78 Dr. Fallen asked Dr. Kuykendall if technicians were administering rabies vaccinations at  
79 the shelter. Dr. Kuykendall responded that he had not specifically inquired about it in his  
80 inspections, but he will make it a point of doing so in the future and will remind facilities  
81 that only veterinarians can administer the rabies vaccination.  
82

83 Dr. Washburn thanked Dr. Kuykendall for his report.  
84

85 **NEW MEXICO LIVESTOCK BOARD:** Dr. Washburn welcomed Dr. Ellen Wilson, State  
86 Veterinarian.  
87

88 Dr. Wilson reported on a job posting for a Field Veterinarian at the State Personnel Office  
89 website. The Livestock Board is currently staffed by the State Veterinarian and one Field  
90 Veterinarian based in Albuquerque; the currently staffing level is inadequate to address  
91 programmatic requirements and to meet the needs of the state.  
92

93 Dr. Wilson presented statistics on the following investigations:

94 **Foreign Animal Disease Investigations – In the federal fiscal year 2014-2015, twenty**  
95 **foreign animal disease investigations were performed in New Mexico.**

96  
97 **Equine: Eleven presenting with oral lesions, one suspected Piroplasmosis;**  
98 **Bovine: Four for multiple sudden deaths presenting with oral lesions;**  
99 **Avian: Three for sudden unexpected death; and**  
100 **Canine: One for larvae in wound.**

101  
102 **Brucellosis – All fifty states have accredited-free status with the exception of the Greater**  
103 **Yellowstone Area surveillance and control zones. Several slaughter trace investigations,**  
104 **one with serial herd testing based on the producer’s production processing timelines, are in**  
105 **progress.**

106  
107 **Bovine Tuberculosis – New Mexico maintains Bovine Tuberculosis-Free Status. Movement**  
108 **testing and slaughter surveillance are the current methods for ongoing Bovine Tuberculosis**  
109 **surveillance. Cattle on four Texas premises are under investigation following slaughter**  
110 **tracing, subsequent testing and confirmation as positive for Bovine Tuberculosis.**  
111 **Epidemiological investigations are ongoing and multiple states are receiving traces. To**  
112 **date, New Mexico has not received any definitive traces from the Texas tracing and**  
113 **investigation.**

114  
115 **Bovine Trichomoniasis – Approximately 69 herds are under quarantine and an ongoing**  
116 **priority in New Mexico.**

117  
118 **Vesicular Stomatitis – New Mexico had the 2015 Index Case for the nation on April 29,**  
119 **2015. Livestock on 50 New Mexico premises have been or are under quarantine for**  
120 **positive and suspect Vesicular Stomatitis. Fourteen New Mexico counties have or have had**  
121 **quarantine premises for “suspect” horses with lesions compatible: Grant; Bernalillo; Eddy;**  
122 **San Juan; Mora; Union; Otero; Santa Fe; Dona Ana; Rio Arriba; San Miguel; Sandoval;**  
123 **Taos; and Lea.**

124  
125 **Nationally, Vesicular Stomatitis has been detected in four states: New Mexico, Arizona,**  
126 **Utah, and Texas. The five hundred twenty-seven premises affected, confirmed or suspect,**  
127 **for the 2015 incident as of September 30, 2015, were in the eight states of Arizona;**  
128 **Colorado; Nebraska; New Mexico; South Dakota; Texas; Utah; and Wyoming.**

129  
130 **The continued vigilance, prompt reporting, movement controls, biosecurity and insect**  
131 **control practices are essential for Vesicular Stomatitis control.**

132  
133 **Equine West Nile Virus – The 2015 cases to date are in Valencia County with one**  
134 **unvaccinated horse, recovered; and one unvaccinated horse in Santa Fe County, recovered.**

135  
136 **Seneca Valley Virus (SVV) – A disease of swine with clinical signs resembling foot and**  
137 **mouth disease and other vesicular diseases causing vesicles in the mouth and snout and on**  
138 **the coronary bands coalescing to erosions, acute lameness, anorexia, lethargy with or**  
139 **without fever. Seneca Valley Virus is seen in sows, nursery and finishing pigs. The virus**  
140 **requires Foreign Animal Disease investigation and may also be seen in cattle and other**  
141 **animals, but is causing the most havoc in pigs. SVV has been identified in South America,**

142 **New Zealand, Europe and now the U.S. in the states of California; Illinois; Iowa;**  
143 **Minnesota; New Jersey; and North Carolina.**

144  
145 **In neonatal pigs there is an increased mortality, less than seven days of age with or without**  
146 **diarrhea; clinical signs resolve within 4-7 days. In breeding females: vesicles (snout, oral**  
147 **mucosa, coronary band lesions, anorexia, lethargy, and fever.**

148  
149 **Highly Pathogenic Avian Influenza – The U.S. remains in the recovery phase of the largest**  
150 **emergency active disease response ever conducted in the U.S. As of the date of Dr.**  
151 **Wilson’s report, 21 states have had detections of H5 avian influenza; 232 premises with**  
152 **birds confirmed positive with HPAI (211 commercial/21 backyard); 211 commercial**  
153 **premises in nine states: Minnesota, Iowa, South Dakota, Wisconsin, Nebraska, California,**  
154 **Montana, North Dakota, and Arkansas. Of the 49.8MM commercial birds affected or**  
155 **depopulated, 7.5MM turkeys, 42.1MM chickens.**

156  
157 **The depopulation losses represent: 3.16% of U.S. annual turkey production (7.46% of**  
158 **average U.S. turkey inventory); 10.01% of U.S. average layer inventory; 6.64% of U.S.**  
159 **average pullet inventory; Less than 0.01% of U.S. broiler inventory (broiler infection has**  
160 **been limited.)**

161  
162 **Costs for control incurred by USDA and States is \$1B. Financial losses: contractors and**  
163 **integrators, \$800MM; suppliers and communities, \$500MM; consumers due to escalation**  
164 **in prices (\$1.7B and rising); disruption in exports and losses (\$1.5B). Consumer concerns**  
165 **were not apparent; however, in the industry, there was anxiety and concern.**

166  
167 **Important lessons: HPAI now carried by migratory waterfowl; when introduced, rapid**  
168 **dissemination occurs; defective biosecurity responsible for most cases; aerogeneous spread**  
169 **possible, but uncommon; myths and misinformation abound.**

170  
171 **Porcine Epidemic Diarrhea Virus (PEDv) – PEDV is a corona virus affecting swine causing**  
172 **significant morbidity and diarrhea and vomiting and mortality in piglets (50-100%**  
173 **mortality). It is an emerging reportable disease in the U.S. which spreads rapidly across**  
174 **the U.S. swine industry since introduction in 2013. The disease has affected 32 states.**

175  
176 **The USDA released a Swine Enteric Corona virus – Introduction to the U.S.: Root Cause**  
177 **Investigative Report on September 24, 2015. A common theme runs through the most**  
178 **plausible scenarios. The viruses may have been carried through four segments of the**  
179 **journey: contamination in the country of origin, entry to the United States, dispersion to**  
180 **multiple locations, and exposure and infection to pigs.**

181  
182 **The impact of HPAI detection in the U.S. on trade of poultry and poultry products is**  
183 **significant. Nationally, there is a great concern for more widely distributed disease spread**  
184 **across all sectors of the poultry industry with the fall 2015 wild bird migration. The**  
185 **economic impact of this incursion is great but difficult to assess at this point due to the**  
186 **continued detections.**

187  
188 **Equine Rescue Facility Inspections – There are currently nine actively registered New**  
189 **Mexico Equine Rescue facilities.**

190 **Veterinary Medical Loan Repayment Program Nominations – Six New Mexico**  
191 **nominations were submitted and selected for the 2015 cycle with awards anticipated in**  
192 **September 2015. As of October 1, 2015, no selections or notifications of awards have been**  
193 **received.**

194  
195 **Salmonella Trace Investigation – The 2015 (01/03/2015 – 09/06/2015) multi-state trace**  
196 **investigation of human *Salmonella* (*S. enteritidis*, *S. hada*, *S. Indiana*, *S. muenchen*)**  
197 **infections with known exposure to poultry is complete. 250 people infected with the**  
198 **outbreak strains of *Salmonella* were reported in 43 states; 63 people were hospitalized; no**  
199 **deaths were reported. Eighty percent of the ill people interviewed, reported contact with**  
200 **live poultry in the week before their illness started. Some ill people had records of live**  
201 **baby poultry purchases from fourteen different suppliers. HUMAN BEHAVIORS THAT**  
202 **INCREASED A PERSON’S RISK OF SALMONELLA INFECTIONS INCLUDE**  
203 **KEEPING BABY POULTRY INDOORS AND KISSING BABY POULTRY. Nineteen**  
204 **isolates were susceptible to all antibiotics tested; one isolate was resistant to sulfisoxazole.**

205  
206 **Dr. Washburn thanked Dr. Wilson for her report.**

207  
208 **NEW MEXICO VETERINARY MEDICAL ASSOCIATION: Dr. Washburn**  
209 **welcomed Tamara Spooner, Executive Director.**

210  
211 **Ms. Spooner reported that she had just returned from Southwest Veterinary Symposium**  
212 **held in Fort Worth, Texas. Ms. Spooner reported that the overall numbers were good;**  
213 **however, New Mexico attendance was down for a number of reasons, most likely due to the**  
214 **availability of local continuing education.**

215  
216 **The NMVMA’s Executive Board has worked hard all year on updating the Association’s**  
217 **bylaws. The bylaws update will be presented to the membership. The ballot for the bylaws**  
218 **and board positions will be mailed out before mid-October.**

219  
220 **The Association’s first Power of 10 class will take place on November 14, 2015; the class**  
221 **has seven members.**

222  
223 **Ms. Spooner reported that the Association will be communicating with the New Mexico**  
224 **Board of Pharmacy about the compounded sterile products for veterinary office use and**  
225 **dispensing of small amounts for acute situations.**

226  
227 **Dr. Washburn thanked Ms. Spooner for her report.**

228  
229 **BROWN MACKIE COLLEGE VETERINARY TECHNOLOGY PROGRAM: Dr.**  
230 **Washburn welcomed Lindsey Gardner, DVM, Program Director.**

231  
232 **Dr. Gardner reported on the loss of adjunct instructor, Lorraine Wyant, RVT, who was**  
233 **tragically killed in a car accident on September 14, 2015. Ms. Wyant was an outstanding**  
234 **instructor for nearly two years and she is greatly missed. The program is short staffed and**  
235 **is hoping to hire adjunct instructors.**

236

237 **Dr. Gardner reported that there are currently 60 students in the program. Seventy-three**  
238 **students have graduated from the program to date. Next graduation date will be October**  
239 **9, 2015; seven students will graduate in three months. Employment rate for graduates of**  
240 **the program is greater than 90%.**

241  
242 **Brown Mackie College had a 100% pass rate for first time VTNE test takers in the**  
243 **July/August testing window.**

244  
245 **Dr. Washburn thanked Dr. Gardner for her report.**

246  
247 **CNM VETERINARY TECHNOLOGY PROGRAM: Dr. Washburn welcomed Yvette**  
248 **Breden, DVM, Program Director.**

249  
250 **Dr. Breden reported on the numbers in the program: Cohort I currently has 22 students**  
251 **enrolled; Cohort II currently has 16 students graduating in May 2016.**

252  
253 **Dr. Breden reported that CNM students in the program currently have a 97% pass rate for**  
254 **the VTNE and 99% placements of students in their field.**

255  
256 **Dr. Breden presented an update on the South Valley Campus renovation. The school is**  
257 **currently renovating SV-2 and is in the process of adding two new classrooms: a surgical**  
258 **suite with instrument prep and scrub prep area; and a radiology classroom with the intent**  
259 **to switch to digital x-ray and 24 additional laptop computers for radiology use serving as**  
260 **special imaging instruction to include Quick-scan ultrasound examinations**  
261 **(AFAST/TFAST instruction per Dr. Greg Lisciandro.)**

262  
263 **The program's next accreditation site visit will be June 8-10, 2016.**

264  
265 **The program's advisory committee meeting will be held October 22, 2015 at CNM South**  
266 **Valley Campus, Room 36 adjacent to new computer lab area (Building SV-1).**

267  
268 **Dr. Washburn thanked Dr. Breden for her report.**

269  
270 **NEW MEXICO VETERINARY TECHNICIAN ASSOCIATION: Dr.**  
271 **Washburn welcomed JoLynn Chacon, RVT.**

272  
273 **Ms. Chacon presented the report on behalf of Marissa Luke, RVT, President.**

274  
275 **Ms. Chacon reported on the annual meeting scheduled for October 17, 2015 at the UNM**  
276 **Continuing Education Conference Center. The New Mexico meeting will coincide with**  
277 **National Veterinary Technician Week. Seventy-five individuals have registered for the**  
278 **meeting; veterinary technicians, staff and veterinary technology students will attend the**  
279 **meeting. The eight continuing education hour topics to be presented are:**

280  
281 **Just Breathe, Respiratory Emergencies; Evidence Based CPR: The RECOVER Guidelines;**  
282 **Technician Lead Compliance: Building a Preventative Program in Your Hospital;**  
283 **Fear Free Initiative by AVMA;**  
284 **Update on Plague and Tularemia;**

285 **Horse Wellness, Health Certificates, and Animal Transport;**  
286 **Zoo Medicine Topic – To be Determined;**  
287 **NAVTA Report.**

288

289 **New officers will be elected during the meeting; names will be provided to the Board office**  
290 **at the next meeting of the Board.**

291

292 **Dr. Washburn thanked Ms. Chacon for her report.**

293

294 **CE PROVIDER APPROVAL: Approvals are stipulated on the CE hours being in**  
295 **compliance with the Board's rules.**

296

297 **Dr. Garcia moved, Dr. Wenzel seconded to approve the following requests as a group with**  
298 **the amendment to the *2015 Conference on the Link Between Animal Abuse and Human***  
299 ***Violence*\* as noted:**

300

301

**Chi Institute**

302

303

**Online:**

304

305

***Certified Veterinary Tuina: Session 2; November 1, 2015 –***  
306 ***February 17, 2016; 10.00 CE hours***

307

308

**On-site:**

309

310

***Certified Veterinary Tuina: Session 1; October 29-31, 2015;***  
311 ***Reddick, Florida; 22.00 CE hours***

312

313

***Certified Veterinary Tuina: Session 3; February 18-20, 2016;***  
314 ***Reddick, Florida; 22.00 CE hours***

315

316

***17<sup>th</sup> Annual TCVM Conference- Small Animal and Equine;***  
317 ***November 12-13, 2015; Reddick, Florida; 32 CE hours.***  
318 ***Workshops; November 14-15, 2015, Reddick, Florida;***  
319 ***12.00 CE hours. Total: 44.00 CE hours***

320

321

**eSolved, Inc.**

322

323

***2015 New Mexico Conference on the Link Between Animal***  
324 ***Abuse and Human Violence; September 14, 2015;***  
325 ***Albuquerque, New Mexico; \*4.00 CE hours***

326

327

**Humane Alliance ASPCA**

328

329

***Veterinarian Training Program; November 2-5, 2015;***  
330 ***Asheville, North Carolina; 19.00 CE hours***

331

332

333 New Mexico Livestock Board

334  
335 *Bovine Trichomoniasis; August 28, 2015; Albuquerque,*  
336 *New Mexico; 1.00 CE hour*

337  
338 *Bovine Tuberculosis; August 28, 2015; Albuquerque,*  
339 *New Mexico; 1.00 CE hour*

340  
341 USDA/APHIS/VS

342  
343 *Animals on the Move: The Veterinarian's Role; throughout*  
344 *New Mexico, throughout 2016; 1.00 CE hour*

345  
346 *Import Export Training for Veterinary Medical Officers;*  
347 *September 1-3, 2015; Lexington, Kentucky; 24.00 CE hours*

348  
349 VCA Veterinary Care Animal Hospital & Referral Center

350  
351 *Ocular Anatomy; The Sense in Seeing; The Ophthalmic Exam;*  
352 *October 18, 2015; Albuquerque, New Mexico; 2.00 CE hours*

353  
354  
355 **All in favor, motion passed.**

356  
357 **COMPLAINTS: Dr. Washburn welcomed Dr. Gentz, Board Investigator; Dr. England,**  
358 **Alternate Investigator; Dr. Garcia and Ms. Forrest of the Complaint Review Committee.**

359  
360 **Complaint Nos. 15-54, 15-55, 15-56: Dr. England presented his investigative report. After**  
361 **Board discussion, Dr. Wenzel moved Dr. Stout seconded to dismiss Complaint Nos. 15-54,**  
362 **15-55 and 15-56 finding no violation of the Veterinary Practice Act. Dr. Washburn**  
363 **requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes;**  
364 **Denai Forrest-abstains; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**

365  
366 **Complaint No. 15-60: Dr. Gentz presented his investigative report. After Board**  
367 **discussion, Dr. Wenzel moved Ms. Brown-Pirrone seconded to dismiss Complaint No. 15-**  
368 **60 finding no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call**  
369 **vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains;**  
370 **Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**

371  
372 **Complaint No. 15-61: Dr. Gentz presented his investigative report. After Board**  
373 **discussion, Dr. Wenzel moved Dr. Fallen seconded to dismiss Complaint No. 15-61 finding**  
374 **no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.**  
375 **Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr.**  
376 **Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**

377  
378 **Complaint No. 15-64: Dr. Gentz presented his investigative report. After lengthy Board**  
379 **discussion, the Board determined there was a violation of Professional Conduct rule**  
380 **16.25.3.8.L of the Board's rules. Dr. Wenzel moved Dr. Fallen seconded to offer the**



381 respondent a Pre-NCA Settlement Agreement in Complaint No. 15-64 with the following  
382 terms: \$500 fine; 6.00 continuing education hours in Surgery in addition to the required  
383 annual 15.00 continuing education hours. Dr. Washburn requested a roll call vote. Dr.  
384 Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr.  
385 Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

386  
387 **Complaint Nos. 15-67 and 15-68:** Dr. Gentz presented his investigative report. After  
388 Board discussion, Dr. Wenzel moved Dr. Stout to dismiss Complaint Nos. 15-67 and 15-68  
389 finding no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call  
390 vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains;  
391 Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

392  
393 **Complaint No. 15-70:** Dr. Gentz presented his investigative report. After Board  
394 discussion, Dr. Wenzel moved Dr. Fallen seconded to dismiss Complaint No. 15-70 finding  
395 no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.  
396 Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr.  
397 Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

398  
399 **Complaint Nos. 15-73:** Dr. Gentz presented his investigative report. After lengthy Board  
400 discussion, the Board determined there was a violation of Professional Conduct 16.25.3.8.L  
401 of the Board's rules. Dr. Wenzel moved Ms. Brown-Pirrone seconded to offer the  
402 respondent a Pre-NCA Settlement Agreement in Complaint No. 15-73 with the following  
403 terms: \$500 fine; 6.00 continuing education hours in Feline Internal Medicine in addition  
404 to the required annual 15.00 continuing education hours. Dr. Washburn requested a roll  
405 call vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-  
406 abstains; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-abstains. Motion passed.

407  
408 **Complaint No. 15-74:** Dr. Gentz presented his investigative report. After Board  
409 discussion, Dr. Wenzel moved Ms. Brown-Pirrone seconded to dismiss complaint No. 15-74  
410 finding no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call  
411 vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains  
412 Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

413  
414 **Complaint No. 15-75:** Dr. Gentz presented his investigative report. After Board  
415 discussion, Dr. Wenzel moved Ms. Brown-Pirrone seconded to dismiss complaint No. 15-75  
416 finding no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call  
417 vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains  
418 Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

419  
420 **Complaint No. 15-57:** Ms. Sowers updated the Board on the status of the complaint. Ms.  
421 Sowers reported that an attempt was made by the Board's civil counsel to offer the  
422 Monitored Treatment Program for the respondent's addiction. Civil counsel discovered  
423 that the respondent's telephone number of record had been disconnected. Ms. Sowers  
424 informed the Board's administrative prosecutor and directed that he go forward with  
425 issuing a Notice of Contemplated Action to the respondent. The administrative prosecutor  
426 conducted a search on the internet for the respondent and discovered that respondent is  
427 now employed in a large veterinary facility in upstate New York.

428

429 **Complaint No. 16-05 – Ms. Sowers requested a Notice of Contemplated Action be issued to**  
430 **a licensee who did not pass the CCT (clinical competency test) national examination, a**  
431 **requirement for licensure by the Board. Ms. Sowers reported that she had been notified by**  
432 **AAVSB because the licensee was attempting to be licensed in another jurisdiction and**  
433 **there was no record of the licensee passing the CCT.**  
434

435 **After Board discussion, Dr. Wenzel moved Dr. Garcia seconded to issue a Pre-NCA**  
436 **Settlement Agreement to licensee citing a violation of Board rule 15.25.2.8 D. Because the**  
437 **clinical competency test (CCT) is no longer available as had been required when licensee**  
438 **initially applied for licensure, the licensee must take and pass the NAVLE examination**  
439 **before the licensee’s next license renewal. Dr. Washburn requested a roll call vote. Dr.**  
440 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes Dr. Fallen-yes; Dr.**  
441 **Washburn-yes; Dr. Stout-yes. Motion passed.**  
442

443 **EXECUTIVE DIRECTOR’S REPORT: Dr. Washburn asked Ms. Sowers to**  
444 **present the Executive Director’s report.**  
445

446 **Ms. Sowers presented the Summary Budget Balance Report for the period July-September**  
447 **2015, 1<sup>st</sup> quarter FY16. Twenty-two percent of the overall FY16 budget has been**  
448 **expended, 3% less than what would be expected at three months of the new fiscal year.**  
449

450 **Ms. Sowers reported that the FY-15 audit field work was completed in two and one-half**  
451 **days. The audit will be presented to the State Auditor’s Office much earlier than the**  
452 **December 15, 2015 deadline.**  
453

454 **Ms. Sowers requested closure by the Board of Complaint No. 15-49 stating that all terms of**  
455 **the Pre-NCA Settlement Agreement had been satisfied. Dr. Wenzel moved Dr. Fallen**  
456 **seconded to close Complaint No. 15-49. Dr. Washburn requested a roll call vote. Dr.**  
457 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes Dr. Fallen-yes; Dr.**  
458 **Washburn-yes; Dr. Stout-yes. Motion passed.**  
459

460 **Ms. Sowers reported on a license renewal which reported other jurisdiction discipline; the**  
461 **licensee is currently fulfilling the requirements of a Stipulation and Order issued. Ms.**  
462 **Sowers informed the Board that she had issued the license provisionally pending**  
463 **satisfaction of the requirements.**  
464

465 **Ms. Sowers reported on an RVT requesting waiver of the two-year certificate from an**  
466 **AVMA-accredited veterinary technology program. Ms. Sowers explained that the**  
467 **applicant has been licensed by the Arizona Board of Veterinary Medicine since 2008 and**  
468 **remains licensed in that jurisdiction. Applicants were grandfathered in for licensure by**  
469 **working with the same veterinarian for two years, receiving a recommendation from the**  
470 **veterinarian, and successful passing of the VTNE. The grandfather clause exempted the**  
471 **applicant from the two-year veterinary technology certificate.**

472 **The Board discussed its licensure requirements for veterinary technicians and the**  
473 **importance of the education received in a two-year technology program. Dr. Wenzel**  
474 **moved, Dr. Fallen seconded to inform applicant that the Arizona licensure and passing of**  
475 **the VTNE do not satisfy the requirements set out in Board rules 16.25.6.8 B. (1)(a)(b) and**

476 **16.25.6.8 B. (3)(a). Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-**  
477 **yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-**  
478 **yes. Motion passed.**

479  
480 **Ms. Sowers updated the Board concerning an NCA request she made to the Board at the**  
481 **June 19, 2015 meeting due to a licensee's violation of the Parent Responsibility Act. The**  
482 **licensee has submitted the Certificate of Compliance issued by HSD. Dr. Wenzel moved**  
483 **Dr. Fallen seconded to cancel the NCA requested for licensee non-compliant with the**  
484 **Parent Responsibility Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**  
485 **Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes Dr. Fallen-yes; Dr. Washburn-yes;**  
486 **Dr. Stout-yes. Motion passed.**

487  
488 **Ms. Sowers reported the completion of much needed improvements made to Taos Humane**  
489 **Society d/b/a Stray Hearts Animal Shelter and referred the Board to the letter sent to the**  
490 **Shelter commending their hard work.**

491  
492 **Ms. Sowers reported on a clinic in the Edgewood area whose licensee manager suddenly**  
493 **passed away and the failure of the clinic to make medical records available to pet owners.**  
494 **Ms. Sowers also reported on a clinic in the Grants area that closed its doors suddenly and**  
495 **failed to make medical records available to pet owners. Ms. Sowers received many**  
496 **telephone calls from pet owners affected by their lack of medical records due to the**  
497 **situations described above.**

498  
499 **The Board directed Ms. Sowers to direct the Board's Investigator to contact the Personal**  
500 **Representative for the estate of the deceased licensee manager citing Board rule 16.25.9.21**  
501 **B(2) and requesting the estate's cooperation on behalf of the pets and their owners. The**  
502 **Board further directed Ms. Sowers to contact the licensee manager of the facility which**  
503 **suddenly closed its doors to remind the licensee manager of the Board rule; Ms. Sowers**  
504 **informed the Board that the licensee manager has left the state and she has no forwarding**  
505 **address or telephone number information.**

506  
507 **Ms. Sowers informed the Board that she had received an inquiry concerning a spay/neuter**  
508 **program using rotating volunteer New Mexico-licensed veterinarians. Ms. Sowers**  
509 **requested direction from the Board as to how the licensee manager is determined in this**  
510 **particular situation. Will the veterinarians all need mobile facility licenses? Ms. Sowers**  
511 **explained to the Board that she had informed the inquirer that the spay/neuter program**  
512 **had to have a licensee manager, a New Mexico-licensed veterinarian who would be the**  
513 **responsible veterinarian. Ms. Sowers then deferred to Deb Guarani who was in the**  
514 **audience and the individual organizing the spay/neuter program. Ms. Guarani explained**  
515 **that none of the volunteer veterinarians wanted to be named licensee manager due to**  
516 **liability. The Board advised Ms. Guarani that the spay/neuter program cannot be a**  
517 **licensed facility until a New Mexico-licensed DVM is named licensee manager.**

518  
519 **Ms. Sowers next asked the Board to set the meeting dates for the 2016 calendar year. The**  
520 **Board determined the following Board dates for 2016:**

521  
522 **January 15, 2016;**  
523 **April 8, 2016;**

524 **June 10, 2016; and**  
525 **October 14, 2016.**

526  
527 **The venues for the meetings will be determined pending availability of hearing rooms.**

528  
529 **Dr. Washburn thanked Ms. Sowers for her report.**

530  
531 **MEMBER REPORTS: Dr. Wenzel reported on the AAVSB annual meeting he**  
532 **attended on September 17-19, 2015 in Milwaukee, Wisconsin. Dr. Wenzel reported on the**  
533 **opportunity he had to meet with other veterinary board members attending the meeting.**  
534 **He learned about issues other boards are encountering and the importance of ensuring that**  
535 **measures taken by the Board are legally sound.**

536  
537 **Dr. Wenzel had the opportunity to discuss the valid veterinarian-client-patient relationship**  
538 **and discovered that the VCPR language in the Veterinary Practice Act is one of better**  
539 **written VCPRs.**

540  
541 **Dr. Wenzel discussed the offer of AAVSB to send a representative to a Board meeting to**  
542 **inform the Board of the services available to it through the AAVSB. Dr. Wenzel also**  
543 **informed the Board of board training that is offered to Board members at AAVSB; a**  
544 **nominal registration fee is charged but all other expenses are paid for by AAVSB i.e.**  
545 **travel, lodging etc.**

546  
547 **Dr. Wenzel recommended to the Board that it continue discussions on different issues that**  
548 **are confronting all veterinary boards. Some of the issues may need to be incorporated into**  
549 **the Board's rules and further discussion will allow the Board's attorney and the Board to**  
550 **incorporate the language properly.**

551  
552 **Dr. Washburn thanked Dr. Wenzel for his report.**

553  
554 **PROPOSED CHANGES TO BOARD RULES: Dr. Washburn discussed an**  
555 **inquiry she had received concerning the administering of Lasix via third party during**  
556 **horse races. Dr. Washburn had received a draft of proposed policy and procedures**  
557 **addressing the valid veterinary-client-patient relationship for incorporation into the**  
558 **Board's rules. The Board discussed the draft and agreed that language addressing the**  
559 **matter should be included in the Board's rules. Dr. Wenzel will work with Dr. Garcia on**  
560 **the language.**

561  
562 **The Board discussed the possibility of going forward with proposed rules changes before**  
563 **the end of 2015. Ms. Sowers reminded the Board that there are several steps in preparing**  
564 **the proposed changes i.e. final Board motion to accept proposed changes, public hearing,**  
565 **and publication in the *New Mexico Register*. Ms. Sowers further reminded the Board that**  
566 **publication in the *New Mexico Register* can only occur when all of the steps have been**  
567 **completed and she is not aware of what the current publication deadlines are for 2015.**  
568 **Drs. Wenzel and Garcia will attempt to finalize the language as quickly as possible so that**  
569 **the proposed rule changes can go forward in 2015, if possible.**

570

571 **ATTORNEY GENERAL OFFICE:** Dr. Washburn welcomed Ari Biernoff,  
572 administrative prosecutor for the Board.

573  
574 Mr. Biernoff and the Board held a general discussion about the Board's pending matters  
575 being handled by the New Mexico Attorney General's Office.

576  
577 The Board discussed with Mr. Biernoff Complaint No. 16-05 presented by Ms. Sowers  
578 earlier in the meeting. Rather than issue an NCA, the Board determined that it will accept  
579 a Settlement Agreement with the terms that licensee will take and pass the NAVLE in the  
580 next testing window.

581  
582 The Board further authorized Mr. Biernoff to attempt to negotiate with the licensee in the  
583 NCA previously sent to the New Mexico Attorney General's Office for licensee's failure to  
584 pass the NBE and the CCT. Rather than issuing the NCA, the Board will accept a  
585 Settlement Agreement for licensee's violation of Board rule 16.24.2.8 D. with the terms that  
586 licensee will take and pass the NAVLE in the next testing window. Dr. Wenzel moved Dr.  
587 Garcia seconded to authorize the administrative prosecutor to attempt to negotiate with  
588 licensees to rectify licensees' violation of Board rule 16.25.2.8 D. Dr. Washburn requested  
589 a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes  
590 Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

591  
592 Dr. Washburn thanked Mr. Biernoff for attending the meeting.

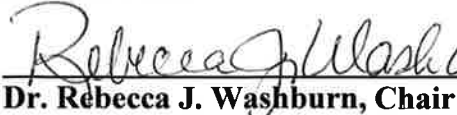
593  
594 **EXECUTIVE SESSION:** Dr. Stout moved Denai Forrest seconded to go into  
595 Executive Session where only matters pursuant to the Open Meetings Act NMSA 1978,  
596 Chapter 10-15-1 H. (1) will be discussed. All in favor; motion passed. Doors were closed at  
597 2:43 p.m.


598  
599 Dr. Garcia moved Marybeth Brown-Pirrone seconded to come out of Executive Session  
600 where only matters pursuant to the Open Meetings Act NMSA 1978, Chapter 10-15-1 H.  
601 (1) were discussed. All in favor; motion passed. Doors were opened at 3:00 p.m.

602  
603 Next regularly scheduled Board meeting to be held on January 15, 2016.

604  
605 There being no further business before the Board, the meeting was adjourned.

606  
607 **APPROVED:**

608  
609   
610 Dr. Rebecca J. Washburn, Chair

  
Dr. John C. Wenzel, Vice-Chair

611  
612 DATE: Jan. 22, 2016

DATE: 1-15-16

613  
614  
615  
616  
617  
618