

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

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

7
8 **MINUTES**

9 **June 10, 2016**

10
11 **CALL TO ORDER:** The regular meeting of the New Mexico Board of Veterinary
12 Medicine was called to order by Dr. Rebecca J. Washburn, Chair, at approximately 9:22 a.m.
13 Roll call and introductions were made.
14

15 **ROLL CALL:**

16 **MEMBERS PRESENT:**

17 Dr. Rebecca J. Washburn, Chair
18 Dr. John C. Wenzel, Vice Chair
19 Dr. Allison B. Stout, Secretary
20 Dr. Manuel Garcia
21 Dr. Edward J. Fallen
22 Marybeth Brown-Pirrone

23 **MEMBERS ABSENT:**

24 Denai Forrest

25 **BOARD REPRESENTATIVES:**

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

29 **BOARD CIVIL COUNSEL:**

30 Lesley Lowe

31 **BOARD ADMINISTRATIVE**
32 **COUNSEL:**

33 Ari Biernoff

34
35 **GUESTS:**

36 Amanda Archuleta, RVT, NMRVTA, CNM
37 Tamara Spooner, NMVMA
38 Stephen Hopkins, DVM, Brown Mackie College
39 Murt Byrne, DVM
40 Daniel Levenson, DVM
41 Ben Kesner, NM Board of Pharmacy
42 Leasa Johnson, NM Racing Commission
43 Stacy Wiseman, NM Racing Commission
44 Sunny Liu, Legislative Finance Committee
45 Dr. Andrea Newman; Mary Lynn Griffin,
46 NM Monitored Treatment Program
Cliff D

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 RULES HEARING MINUTES:** Dr. Fallen suggested a change
55 to line 19: delete Dr. Kathleen Ramsay insert Dr. Edward J. Fallen. Dr. Wenzel moved Dr.
56 Fallen seconded to accept the rules hearing minutes with the noted change. All in favor,
57 motion passed.
58

59 **APPROVAL OF BOARD MEETING MINUTES:** Dr. Wenzel suggested a change to line
60 158: delete Dr. Wenzel insert Dr. Washburn. Dr. Wenzel moved Dr. Fallen seconded to
61 accept the minutes with the noted change. All in favor, motion passed.
62

63 **BOARD OF PHARMACY:** Dr. Washburn welcomed Ben Kesner R.Ph., Executive
64 Director.
65

66 Mr. Kesner began his presentation with a discussion of the dispensing log which is required
67 of all veterinarians. The Board iterated its opinion that the same information can be found
68 in the medical records of the licensee's patients and is a duplication of effort. Dr. Garcia
69 referred the Board to its rule 16.25.3.8 Z. *The licensee is required to abide by all statutes and*
70 *rules of any board, commission, and agency including county or city ordinances governing*
71 *any aspect of the practice of veterinary medicine.* Ms. Brown-Pirrone asked Mr. Kesner if
72 the Board of Pharmacy regulation could align better with the Board of Veterinary
73 Medicine's medical records requirement; Mr. Kesner replied that he was not opposed.
74 After further discussion, the Board requested Mr. Kesner present the Board of Veterinary
75 Medicine's stance on the dispensing log requirement at the Board of Pharmacy's next
76 meeting. Mr. Kesner indicated the next meeting was scheduled for June 27-28, 2016 and he
77 would bring the matter up to the Board at that time. Dr. Washburn thanked Mr. Kesner
78 for his presentation.
79

80 **COMPOUNDING ANIMAL DRUGS:** Dr. Washburn welcomed Drs. Murt Byrne and
81 Daniel Levenson.
82

83 Dr. Byrne discussed the difficulty veterinarians are encountering with compounded drugs
84 used in their practices. Veterinarians cannot dispense compounded drugs but can
85 administer them. Drs. Byrne and Levenson asked if it is possible to stock alternate
86 strength compounded drugs from a pharmacy to keep on hand in situations where the
87 patient needs to begin taking the drug soon after visiting the veterinarian. It was suggested
88 that perhaps a time limit on the distribution to allow an animal to begin treatment then
89 continue and finish treatment obtained from a compounding pharmacy.
90

91 A discussion was held about the current wording in the Board of Pharmacy's reading that
92 a pharmacy becomes a manufacturer; can a veterinarian distribute a compounded
93 substance without becoming a manufacturer?
94

95 Mr. Kesner suggested that the Board of Veterinary Medicine approach the Board of
96 Pharmacy at its next Board meeting to request that veterinarians be allowed to keep a
97 stock of pharmacy-compounded drugs. Mr. Kesner further suggested that the Board of
98 Veterinary Medicine request a Board of Pharmacy rule setting out distinctly that
99 veterinarians cannot dispense compounded drugs.

100
101 Dr. Washburn thanked Mr. Kesner for his presentation.

102
103 **BOARD FACILITY INSPECTOR:** Dr. Washburn welcomed Dr. Gaven Kuykendall.

104
105 Dr. Kuykendall updated the Board regarding the continuing investigation of the matter
106 involving the victimization of an elderly licensee manager/owner by a former employee.
107 Dr. Kuykendall informed the Board that he, the Board's Executive Director, DEA
108 Diversion Agents, and the licensee's daughter would be meeting on June 14, 2016 to discuss
109 the situation and options available to the licensee. Dr. Kuykendall will report on the
110 meeting to the Board at the Board's next meeting.

111
112 Dr. Kuykendall discussed his findings on the same facility on a follow-up inspection. There
113 continue to be serious violations that need to be corrected as soon as possible. Dr.
114 Kuykendall indicated that he issued a Plan of Correction with the request that the facility
115 provide the corrective action plan to him on or before June 17, 2016. The Board
116 recommended Dr. Kuykendall set reasonable deadlines for the individual items cited in the
117 Plan of Correction. If the facility does not respond by the deadline date or the responses to
118 the Plan of Correction are not satisfactory, Dr. Garcia moved, Dr. Wenzel seconded to
119 issue a complaint for the violations Dr. Kuykendall has documented. Dr. Washburn
120 requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms.
121 Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

122
123 Dr. Washburn thanked Dr. Kuykendall for his report.

124
125 **NEW MEXICO VETERINARY MEDICAL ASSOCIATION:** Dr. Washburn welcomed
126 Tamara Spooner, Executive Director.

127
128 Ms. Spooner reported that Dr. Murt Byrne will become the Association's new AVMA
129 delegate. Dr. Darryl Leslie has been approved by the membership as the new AVMA
130 alternate delegate.

131
132 The membership/renewal drive is underway with discounted rates being offered until
133 August 1.

134
135 The legislative committee of the Association is preparing for the 2017 legislative session.
136 The Association will be re-visiting former HB-88 which would amend the Practice Act to
137 provide the NMBVM oversight of veterinarians employed by local governments and allow
138 the Board to impose fines on those practicing without a license.

139
140 The next meeting of the Association will be held at the Southwest Veterinary Symposium in
141 Ft. Worth September 29 – October 2, 2016.

143 **Dr. Washburn thanked Ms. Spooner for her report.**

144

145 **BROWN MACKIE COLLEGE VETERINARY TECHNOLOGY PROGRAM: Dr.**
146 **Washburn welcomed Stephen Hopkins, DVM, Program Instructor.**

147

148 **Dr. Hopkins reported that the AVMA accreditation site visit was held May 23-25, 2016;**
149 **there was overall positive feedback, but an official report from the visit has not been**
150 **received. Accreditation decisions will be made at the November 2016 committee meeting.**

151

152 **Dr. Hopkins reported a currently enrollment of 48 students. The last graduation ceremony**
153 **was held on May 20, 2016; the total Albuquerque Brown Mackie College veterinary**
154 **technology graduates to date is 88. Another cohort of six students will be graduating at the**
155 **end of June 2016.**

156

157 **In the March – April 2016 VTNE testing window, there was a 75% first-time pass rate; the**
158 **national average for first-time pass rate is 64% in the same testing window.**

159 **Dr. Washburn thanked Dr. Hopkins for his report.**

160

161 **CNM VETERINARY TECHNOLOGY PROGRAM: Dr. Washburn welcomed Amanda**
162 **Archuleta, RVT.**

163

164 **Ms. Archuleta reported that the construction and remodel of new rooms dedicated to the**
165 **veterinary technology program is complete. The expansion has allowed more storage space**
166 **for the program as well. The program has acquired additional equipment to furnish the**
167 **new rooms.**

168

169 **Ms. Archuleta reported that 17 students graduated the program on April 30, 2016; twelve**
170 **took the VTNE prior to graduation and the entire group passed. Many of the students**
171 **have taken and passed the New Mexico veterinary technician examination as well. There**
172 **are currently 19 students in the program at third semester. Applications and registration**
173 **for new entry cohort is ongoing. The expectation is that there will be 24 students in the**
174 **cohort for the first term in program for fall 2016.**

175

176 **The program currently has 20 preceptor clinics and continues to look for more; the**
177 **program is working on renewals of all preceptor contracts.**

178

179 **As of May 5, 2016, Evelyn Selva is the Program Director and continues the Clinical**
180 **Coordinator as well. There are currently ten part-time DVMs involved in various course**
181 **teaching assignments and four actively teaching part-time RVTs in addition to Ms. Selva.**

182

183 **The AVMA CVTEA accreditation review site visit has been in progress since June 8 and**
184 **concludes on June 10, 2016. The site visit report will be presented to the full CVTEA**
185 **Committee in November 2016 with determination of corrections that may need to be**
186 **addressed to maintain full accreditation status.**

187

188 **Dr. Washburn thanked Ms. Archuleta for her report.**

189

190 **NEW MEXICO VETERINARY TECHNICIAN ASSOCIATION:** Dr. Washburn
191 welcomed Amanda Archuleta, RVT.

192
193 The Association held its first 2016 event, Career Night, on May 20, 2016. Twenty
194 veterinary technology students, four board members, and four guests attended the
195 function. Gwen Dragoo, RVT, spoke about a career as a Zoo Technician; Amanda
196 Archuleta, RVT, spoke about a career in veterinary technology education; JoLynn Chacon,
197 RVT, spoke about a career working with a mobile veterinary service; and Craig Fischbach,
198 spoke about a career in veterinary sales. Hill's Science Diet sponsored the event.

199
200 The Association board members are working on an internal audit and updating the
201 constitution. The Association is also working on awarding a \$500 scholarship to a
202 currently enrolled veterinary technology student; the award will be presented at the annual
203 meeting in October.

204
205 Dr. Washburn thanked Ms. Archuleta for her report.

206 **MEW MEXICO MONITORED TREATMENT PROGRAM:** Dr. Washburn welcomed
207 Andrea Newman, PhD, LMFT, LADAC and Mary Lynn Griffin, MA, LMHC.

208
209 Andrea Newman explained the program and the services provided to health professionals.
210 The services provided include referral, evaluation, monitoring, and reporting. The
211 Program currently has a contract with the New Mexico Board of Pharmacy. Dr.
212 Washburn explained to Ms. Newman and Ms. Griffin that the Board has a very small
213 budget and could not enter into a contract and it is the Board's belief that the individual
214 licensee should be responsible for his treatment.

215
216 Dr. Washburn thanked Dr. Newman and Ms. Griffin for the presentation.

217
218 **CE PROVIDER APPROVAL:** Approvals are stipulated on the CE hours being in
219 compliance with the Board's rules.

220
221 Dr. Garcia moved Dr. Wenzel seconded to approve the following requests as a group:

222
223 **American Holistic Veterinary Medical Assn.**

224
225 *2016 AHVMA Annual Conference; September 10-13, 2016;*
226 *Columbus, Ohio; 2.00 CE hours*

227
228 **Animal Humane New Mexico**

229
230 *New Mexico Humane Conference; August 18-20, 2016;*
231 *Albuquerque, New Mexico; 4.00 CE hours*

232
233 **Animal Protection of New Mexico Inc.**

234
235 *Disaster Planning and Preparedness for Companion*
236 *Animals; Year 'round; Throughout New Mexico;*
237 *1.50 – 2.00 hours*

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Chi Institute

Certified Veterinary Acupuncture-Session 1; June 1 – August 3, 2016; ONLINE; 20.00 CE hours

Certified Veterinary Acupuncture-Session 2; August 4 – August 7, 2016; Reddick, Florida; 30.00 CE hours

Certified Veterinary Acupuncture-Session 3; August 8 – September 20, 2016; ONLINE; 20.00 CE hours

Certified Veterinary Acupuncture-Session 4; September 29 – October 2, 2016; Reddick, Florida; 30.00 CE hours

Certified Veterinary Acupuncture-Session 5; December 8 – December 11, 2016; Reddick, Florida; 30.00 CE hours

Dr. Elizabeth Davis

International Conference on Avian, Herpetological and Exotic Mammal Medicine; March 25-31, 2015; Venice, Italy; 30.00 – 35.00 CE hours

Grayson Jockey Club Foundation

Welfare and Safety of the Racehorse Summit; July 8, 2015; Lexington, Kentucky; 5.25 CE hours

New Mexico ALIRT

2016 Conference; May 12-14, 2016; Albuquerque, New Mexico; 18.00 CE hours

Zoetis

Bird's Eye Perspective on Skin Disease; August 26, 2016; Albuquerque, New Mexico; 2.00 CE hours

COMPLAINTS: Dr. Washburn welcomed Dr. Gentz, Board Investigator and Dr. Stout of the Complaint Review Committee.

**Complaint No. 16-11;
Complaint No. 16-11A; and
Complaint No. 16-11B.**

Complaint No. 16-11, 16-11A and 16-11B: Dr. Gentz presented his investigative report covering all three complaints relating to the same matter. After lengthy Board discussion,

286 **Dr. Wenzel moved, Marybeth Brown-Pirrone seconded to dismiss Complaint Nos. 16-11,**
287 **16-11A and 16-B finding no violation of the Veterinary Practice Act. Dr. Washburn**
288 **requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-no; Ms. Brown-Pirrone-yes; Ms.**
289 **Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-abstains. Motion passed.**
290

291 **Dr. Washburn thanked Dr. Gentz and the Committee.**
292

293 **EXECUTIVE DIRECTOR'S REPORT: Dr. Washburn asked Ms. Sowers to present the**
294 **Executive Director's report.**
295

296 **Ms. Sowers presented the Summary Budget Balance Report for FY16. Ms. Sowers pointed**
297 **out that at June 30, 2016, it was expected that funds would be returned to the fund balance.**
298

299 **Ms. Sowers reported 1670+ licenses had been issued in FY 16**
300

301 **Ms. Sowers next reported on the Board-set state examinations administered on May 18,**
302 **2016 with 24 examinees, 17 veterinary technicians and 7 veterinarians, sitting for the**
303 **examination. All examinees passed the examination.**
304

305 **Ms. Sowers reported that all terms of the Pre-NCA Settlement Agreement had been**
306 **satisfied in complaint no. 15-43. Ms. Sowers requested Board approval to close the**
307 **complaint. Dr. Garcia moved Dr. Fallen seconded to close Complaint No. 15-43. Dr.**
308 **Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-**
309 **yes; Ms. Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**
310

311 **Ms. Sowers reported that all terms of the Pre-NCA Settlement Agreement had been**
312 **satisfied in complaint no. 15-73. Ms. Sowers requested Board approval to close the**
313 **complaint. Dr. Garcia moved Dr. Fallen seconded to close Complaint No. 15-73. Dr.**
314 **Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-**
315 **yes; Ms. Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**
316

317 **Ms. Sowers reported that all terms of the Pre-NCA Settlement Agreement had been**
318 **satisfied in complaint no. 16-02. Ms. Sowers requested Board approval to close the**
319 **complaint. Dr. Garcia moved Dr. Fallen seconded to close Complaint No. 16-02. Dr.**
320 **Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-**
321 **yes; Ms. Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**
322

323 **Ms. Sowers reported to the Board in the matter of the applicant who is unable to obtain the**
324 **official transcript from the veterinary school from which applicant graduated because it is**
325 **no longer in operation. The applicant has been licensed in other U.S. jurisdictions and is a**
326 **long-time practitioner. The applicant has provided licensure verifications from all states**
327 **where the applicant is currently or previously has been licensed. Ms. Sowers reported that**
328 **the applicant had supplied all license verifications. Dr. Fallen moved and Dr. Wenzel**
329 **seconded to accept the application for licensure. Dr. Washburn requested a roll call vote.**
330 **Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-absent; Dr. Fallen-**
331 **yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**
332

333 Ms. Sowers presented, without identification, the request by a licensee for an extension of
334 time in which to complete required annual continuing education hours. Dr. Wenzel moved
335 and Dr. Fallen seconded to grant the second continuing education extension request. Dr.
336 Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-
337 yes; Ms. Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

338
339 Dr. Washburn thanked Ms. Sowers for her report.

340
341 **NEW AND MISCELLANEOUS BUSINESS:**

342
343 Ms. Sowers reminded the Board of the upcoming Sunset Review. Ms. Sowers referred the
344 Board to the document the Board must complete and submit by June 30, 2016. Sunny Liu,
345 LFC Analyst, spoke to the Board about the information requested in the form; much of
346 which is directed at larger agencies. Mr. Liu reminded the Board that the form would be a
347 good place to address the possibility of placing animal shelters under the Board's
348 jurisdiction. Ms. Sowers reported that she was nearly finished completing the form and
349 she would be sending a draft to the Board members for their comments and suggestions.

350
351 Ms. Sowers referred the Board to the online advertisement by Petco concerning its
352 groomers and the possibility that they are diagnosing the dogs being groomed. Dr.
353 Washburn informed the Board that she had directed the Executive Director to write a
354 cease and desist letter to Petco; Ms. Sowers reported that she had done so and directed the
355 letter to the corporate office in San Diego. The Board discussed the description of the
356 services and will discuss the matter again once a response is received from Petco.


357
358 Dr. Wenzel moved and Dr. Garcia seconded to enter Executive Session seconded to go into
359 Executive Session where only matters pursuant to the Open Meetings Act NMSA 1978,
360 Chapter 10-15-1 H. (1) will be discussed. All in favor; motion passed. Doors were closed at
361 12:04 p.m.

362
363 Dr. Fallen moved Dr. Wenzel seconded to come out of Executive Session where only
364 matters pursuant to the Open Meetings Act NMSA 1978, Chapter 10-15-1 H. (1) were
365 discussed. All in favor; motion passed. Doors were opened at 1:28 p.m.


366
367 Next regularly scheduled Board meeting to be held on October 14, 2016.

368
369 There being no further business before the Board, Dr. Fallen moved and Dr. Wenzel
370 seconded to adjourn the meeting. All in favor; motion passed.

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375 **APPROVED:**

376 
377
378 Dr. Rebecca J. Washburn, Vice-Chair

379
380 DATE: 10/14/16



Dr. John C. Wenzel, Vice Chair

DATE: 10/14/16