

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 **October 14, 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 9:12 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. Manuel Garcia
20 Dr. Edward J. Fallen
21 Marybeth Brown-Pirrone
22 Denai Forrest

23 **MEMBERS ABSENT:**

24 Dr. Allison B. Stout, Secretary

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 Tamara Spooner, NMVMA
37 JoLynn Chacon, President, NMRVTA
38 Heather Prendergast, RVT
39 Elisa Patterson, RVT, Brown Mackie College
40 Briar Suriano, RVT, Brown Mackie College
41 Evelyn J. Selva, RVT, CNM
42 Joseph Wosick, Yenson, Allen & Wosick
43 Briggs Cheney, Sheehan & Sheehan

44 **OPENING STATEMENT:** Dr. Washburn welcomed everyone to the meeting. Dr.
45 Washburn asked members in the audience to stand and introduce themselves and their
46 organizations.

47 **ACCEPTANCE OF AGENDA:** Dr. Wenzel moved to accept the Agenda with
48 flexibility; Dr. Fallen seconded. All in favor, motion passed.
49

50 **APPROVAL OF BOARD MEETING MINUTES:** Dr. Wenzel moved Dr. Fallen
51 seconded to accept the June 10, 2016 meeting minutes. All in favor, motion passed.
52

53 **APPROVAL OF DISCIPLINARY HEARING MINUTES:** Dr. Wenzel moved
54 Dr. Fallen seconded to accept the August 24, 2016 disciplinary hearing minutes. All in
55 favor, motion passed.
56

57 **APPROVAL OF SPECIAL BOARD MEETING MINUTES:** Dr. Wenzel
58 moved Dr. Fallen seconded to accept the September 13, 2016 special board meeting
59 minutes. All in favor, motion passed.
60

61 **OPEN MEETINGS RESOLUTION:** Dr. Wenzel moved Ms. Forrest seconded to
62 accept the Open Meetings Resolution for FY-17. All in favor, motion passed.
63

64 **DISCIPLINARY HEARING COMMENTS:** Dr. Washburn introduced Lesley
65 Lowe, Board civil counsel.
66

67 Ms. Lowe provided an overview of the recent disciplinary hearing. Ms. Lowe suggested
68 that administrative hearing practices be reviewed annually. Ms. Lowe provided copies of
69 the testimony of the Chair, Dr. Rebecca Washburn, and stated that it is unusual for a
70 Board member to testify. Ms. Lowe praised Dr. Washburn for her testimony because it
71 was responsive, clear and concise.
72

73 Ms. Lowe discussed deliberations in administrative hearings reminding the Board that only
74 straw votes can be taken in deliberation; however, they are not a formal vote.
75

76 Ms. Lowe explained how an Order is prepared by the Board's civil attorney. The
77 conclusions of law are prepared by the civil attorney and come from the NCA and the NCA
78 only. If more citations need to be added to the original NCA, an amended NCA can be
79 prepared. Ms. Lowe reminded the Board that it is the responsibility of the civil attorney to
80 remind the Board of precedent.
81

82 Due to the high cost of an outside hearing officer, Ms. Lowe recommended that Board
83 members be used as hearing officers when necessary.
84

85 Ms. Lowe suggested that Board training sessions be held before the end of the meeting and
86 after Executive Sessions.
87

88 Dr. Washburn thanked Ms. Lowe for her comments.
89

90 **DRUG ADDICTION AMONG VETERINARY PROFESSIONALS:** Dr.
91 Washburn introduced Marybeth Brown-Pirrone, Board member.
92

93 Ms. Brown-Pirrone referred the Board and guests to the hand-outs left at the sign-in sheet.
94 Ms. Brown-Pirrone explained that the hand-outs identify addictions and provide resource
95 information for veterinarians who might be dealing with alcohol, illicit drug addiction and
96 drug diversion.
97

98 Ms. Brown-Pirrone reminded the Board that the Veterinary Practice Act 61-14-5.1 states
99 that the Board may appoint a committee to organize and administer an impaired
100 veterinarian program. Ms. Brown-Pirrone volunteered to establish the committee so that
101 the Board can be proactive in assisting licensees to overcome addictions. Ms. Brown-
102 Pirrone recommended that the Board discuss alcohol, diversion, illicit drugs, depression,
103 and suicide on a regular basis thereby allowing the Board to remain current on the issues
104 faced by licensees.
105

106 Dr. Washburn thanked Ms. Brown-Pirrone for her presentation.
107

108 **NEW MEXICO VETERINARY MEDICAL ASSOCIATION:** Dr. Washburn welcomed
109 Tamara Spooner, Executive Director.
110

111 Ms. Spooner reported that the Association's membership is now 313.
112

113 The Association Legislative Committee met on October 13, 2016 to discuss strategy in
114 bringing back the former HB-88. House Bill 88 would amend the Veterinary Practice Act
115 to provide oversight by the Board, of veterinarians employed by local governments, and
116 allowing the Board to impose fines on those practicing veterinary medicine without a
117 license.
118

119 Ms. Spooner reminded the Board that at the NMBVM meeting on June 2, 2016, the Board
120 was very supportive of the Association's efforts to allow veterinarians to dispense
121 compounded drugs for a short period of time. The Board asked that Dr. Daniel Levenson
122 and Ms. Spooner meet with the Executive Director of the Board of Pharmacy, Ben Kesner.
123 Ms. Spooner reported that on the day the meeting was to occur, Dr. Levenson and she
124 received an email from Mr. Kesner stating that the issue was something the Board of
125 Pharmacy did not want to allow to happen.
126

127 Ms. Spooner reported that the Southwest Veterinary Symposium in Fort Worth was
128 successful despite three other conferences, including AVMA, being held in Texas. New
129 Mexico had 36 attendees. Ms. Spooner reported that Dr. Darryl Leslie finished his term as
130 president and Dr. Emily Walker was nominated as President-Elect. Dr. Walker also
131 received the SWVS 2016 Visionary Award.
132

133 Dr. Washburn thanked Ms. Spooner for her report.
134

135 **BROWN MACKIE COLLEGE VETERINARY TECHNOLOGY PROGRAM:** Dr.
136 Washburn welcomed Elisa Patterson, RVT, Program Director.
137

138 Ms. Patterson reported that the AVMA accreditation visit was conducted in May; no major
139 citations are expected when the program is notified in December. It is expected that the

140 **Brown Mackie program will be placed on terminal accreditation. Brown Mackie College is**
141 **completing the program for current students with no further enrollments being accepted.**
142

143 **Ms. Patterson reported that there are 24 students currently in the program and 5 cohorts**
144 **with the last one completing the program in March 2018.**
145

146 **Ms. Patterson reported that Dr. Lindsey Gardner is now part-time and is the on-site**
147 **veterinarian. Ms. Patterson is the program Department Chair and Clinical Coordinator.**
148

149 **Ms. Patterson reported VTNE results from July 2015, 14 students taking the examination**
150 **through August 2016, 18 students taking the examination with a 77.7% pass rate. Two**
151 **students will be taking the examination during the November/December 2016 testing**
152 **window.**
153

154 **Dr. Washburn thanked Ms. Patterson for her report.**
155

156 **CNM VETERINARY TECHNOLOGY PROGRAM: Dr. Washburn welcomed Evelyn**
157 **Selva, RVT.**
158

159 **Ms. Selva reported that the CVTEA performed their accreditation site visit to the Program**
160 **in June 2016. The results from the site visit will be announced in November 2016; the**
161 **Program is anticipating it will remain fully accredited by AVMA.**
162

163 **Seventeen students graduated with AAS degrees in Veterinary Technology in May 2016.**
164

165 **Nineteen students are in their fourth term making it one of the largest cohorts in the**
166 **Program. The Program has 22 clinical preceptor locations making it possible for all**
167 **nineteen students to have the opportunity to practice their skills and learn through real**
168 **world experiences in the veterinary technology field.**
169

170 **Nineteen students began in fall 2016 for their first term of the Program; as they approach**
171 **mid-term, most of the students are doing quite well with their grades.**
172

173 **The official AAVSB cumulative VTNE pass rate for the last three years of first-time**
174 **candidates is 86.806%. A review of data from March 2016 and July 2016 test windows**
175 **included seventeen first-time test takers: fifteen passed with two failing the VTNE.**
176

177 **Ms. Selva reported that student learning outcomes for surgical nursing, laboratory**
178 **procedures and imaging VTNE scale scores were analyzed. Scale scores for CNM students**
179 **were reviewed and compared to the United States average. The results were as follows:**
180

181 **Surgical skills: CNM average scale score 507.47; United States average 441.90;**
182 **Laboratory procedures: CNM average scale score 571.70; United States average 478.60;**
183 **Imaging procedures: CNM average scale score 447.47; United States average 435.21.**
184

185 **The finding indicates that the CNM students are consistently scoring higher than the**
186 **national average, in some cases by nearly 100 points.**
187

188 Ms. Selva reported that the CNM program is continuing strong.

189
190 Dr. Washburn thanked Ms. Selva for her report.

191
192 **NEW MEXICO VETERINARY TECHNICIAN ASSOCIATION:** Dr. Washburn
193 welcomed JoLynn Chacon, RVT.

194
195 Ms. Chacon reported on the NMRVTA CE Conference and Annual Meeting to be held on
196 October 15, 2016 at the UNM Continuing Education Conference Center. Ms. Chacon
197 reported that the following continuing education classes totaling 8.00 CE hours will be
198 offered at the meeting:

199
200 *Soft Skills: how they apply to the Veterinary Technician;*
201 *When to refer to a behaviorist and low-stress companion animal techniques;*
202 *Adverse Food Reactions;*
203 *Rabies Update;*
204 *NAVTA Veterinary Nurse Initiative;*
205 *Dental blocks and Client Compliance;*
206 *Recognizing and Responding to Emergencies; and*
207 *Anesthesia Angst.*

208
209 Dr. Washburn thanked Ms. Archuleta for her report.

210
211 **CE PROVIDER APPROVAL:** Approvals are stipulated on the CE hours being in
212 compliance with the Board's rules.

213
214 Dr. Garcia moved Ms. Forrest seconded to approve the following requests as a group:

215
216 **Canine Physical Rehabilitation of New Mexico**

217
218 *Anatomy and Physiology of Exercise Intolerance;*
219 *October 30, 2016; Albuquerque, NM; 4.00 CE hours*

220
221 *Cognitive Disorder in Pets: Diagnosis, Treatment and*
222 *the Role of Exercise; July 12, 2016; Albuquerque, NM;*
223 *1.00 CE hour*

224
225 *Orthopedic Cases of Hip, Stifle, Tarsi and Feet;*
226 *April 19, 2016; Albuquerque, NM; 1.50 CE hours*

227
228
229 **Chi Institute**

230
231 *Veterinary Tui-na (Chinese Medical Manipulation);*
232 *October 16, 2016 – February 22, 2017; Online;*
233 *3.00 CE hours*

234
235 *Veterinary Tui-na (Chinese Medical Manipulation);*

236 **October 16, 2016 – February 22, 2017; Reddick,**
237 **Florida; 20.00 CE hours**
238
239 ***Advanced Veterinary Tui-na: Refinement;***
240 **February 1 – March 31, 2017; Online; 12.00 CE hours**
241
242 ***Advanced Veterinary Tui-na: Refinement;***
243 **February 23-25, 2017; Reddick, Florida;**
244 **20.00 CE hours**
245

246
247 **New Mexico Livestock Board**
248

249 ***Bovine Trichomoniasis; September 15, 2016;***
250 **Albuquerque, New Mexico; 1.00 CE hour**
251

252 ***Bovine Tuberculosis; September 15, 2016;***
253 **Albuquerque, New Mexico; 1.00 CE hour**
254

255
256 **Southwest Veterinary Services**
257

258 ***Zoetis Elite Veterinarian Meeting; July 28, 2016;***
259 **Arlington, Texas; 6.00 CE hours**
260

261
262 **University of Albany**
263

264 ***Climate Change and Zoonoses: Overview; Continuously***
265 **Online; 1.00 CE hour**
266

267
268 **University of New Mexico**
269

270 ***Drug Diversion in Veterinary Practice; October 23, 2016;***
271 **Seminar and recording; Albuquerque, NM; 3.00**
272 **CE hours (for veterinarians and veterinary technicians)**
273 **Mariah Ziegler, DVM**
274

275 ***MPH for Practicing Veterinarians; summer 2015 –***
276 **Summer 2017; Iowa City and Ames, Iowa;**
277 **2016 – 15.00 CE hours, 2017 – 30.00 CE hours**
278

279
280 **COMPLAINTS: Dr. Washburn welcomed Ms. Forrest of the Complaint Review**
281 **Committee; Dr. Gentz, Board Investigator and Gaven Kuykendall, DVM, alternate**
282 **Investigator.**
283

284 **Complaint No. 16-12;**
285 **Complaint No. 16-13;**
286 **Complaint No. 16-17;**
287 **Complaint No. 16-19;**
288 **Complaint No. 16-20;**
289 **Complaint No. 16-21;**
290 **Complaint No. 16-22;**
291 **Complaint No. 16-23;**
292 **Complaint No. 16-24;**
293 **Complaint No. 17-01;**
294 **Complaint No. 17-02; and**
295 **Complaint No. 17-03.**

297 **Complaint No. 16-12: Dr. Gentz presented his investigative report. After Board**
298 **discussion, Dr. Garcia moved finding no violation of the Veterinary Practice Act. Further**
299 **discussion ensued and Dr. Garcia withdrew his motion.**

300

301 **On the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
302 **Garcia moved Dr. Fallen seconded to issue a Pre-NCA Settlement Agreement requiring a**
303 **referral to the Monitored Treatment Program for four random hair follicle tests over the**
304 **next 365 days. If any one of the tests if positive, the Board will re-visit the Pre-NCA**
305 **Settlement Agreement. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
306 **Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes; Dr. Washburn-**
307 **yes; Dr. Stout-absent. Motion passed.**

308

309 **Complaint No. 16-13: Dr. Kuykendall presented his investigative report. After Board**
310 **discussion and on the basis of the complaint that was reviewed for probable cause by the**
311 **Board, Dr. Garcia moved Dr. Wenzel seconded to dismiss Complaint No. 16-13 finding no**
312 **violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.**
313 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes;**
314 **Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**

315

316 **Complaint No. 16-17: Dr. Gentz presented his investigative report. After Board discussion**
317 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
318 **Fallen moved Ms. Brown-Pirrone seconded to dismiss Complaint No. 16-17 finding no**
319 **violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.**
320 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes;**
321 **Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**

322

323

324 **Complaint No. 16-19: Dr. Gentz presented his investigative report. After Board discussion**
325 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
326 **Garcia moved Dr. Wenzel seconded to dismiss Complaint No. 16-19 finding no violation of**
327 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
328 **Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes; Dr. Washburn-**
329 **yes; Dr. Stout-absent. Motion passed.**

330

331 **Complaint No. 16-20: Dr. Gentz presented his investigative report. After Board discussion**
332 **and on the basis of the complaint that was reviewed for probable cause by the Board, Ms.**
333 **Brown-Pirrone moved Dr. Garcia seconded to dismiss Complaint No. 16-20 finding no**
334 **violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.**
335 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes;**
336 **Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**
337

338 **Complaint No. 16-21: Dr. Gentz presented his investigative report. After Board discussion**
339 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
340 **Wenzel moved Dr. Garcia seconded to dismiss Complaint No. 16-21 finding no violation of**
341 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
342 **Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes; Dr. Washburn-**
343 **yes; Dr. Stout-absent. Motion passed.**
344

345 **Complaint No. 16-22: The Executive Director requested tabling the complaint pending**
346 **further investigation. Dr. Garcia moved Dr. Wenzel seconded to table Complaint No. 16-**
347 **22 pending further investigation by Dr. Gentz. Dr. Washburn requested a roll call vote.**
348 **Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-**
349 **yes; Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**
350

351 **Complaint No. 16-23: Dr. Gentz presented his investigative report. After lengthy Board**
352 **discussion and on the basis of the complaint that was reviewed for probable cause by the**
353 **Board, Dr. Garcia moved Dr. Wenzel seconded to issue a Pre-NCA Settlement Agreement**
354 **with a \$500 fine; prior to any further surgical procedures, written evidence of contractual**
355 **agreement(s) between both the respondent and the facilities providing emergency after**
356 **care must be provided to the Board. Dr. Washburn requested a roll call vote. Dr. Wenzel-**
357 **yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes; Dr.**
358 **Washburn-yes; Dr. Stout-absent. Motion passed.**
359

360 **Complaint No. 16-24: Dr. Gentz presented his investigative report. After lengthy Board**
361 **discussion and on the basis of the complaint that was reviewed for probable cause by the**
362 **Board, Dr. Garcia moved Dr. Fallen seconded to issue a Pre-NCA Settlement Agreement**
363 **with a \$500 fine and 6.00 continuing education hours in Anesthesia. The continuing**
364 **education hours in Anesthesia cannot be claimed as a part of the 15.00 continuing**
365 **education hours required annually for license renewal. Dr. Washburn requested a roll call**
366 **vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr.**
367 **Fallen-yes; Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**
368

369 **Complaint No. 17-01: Dr. Gentz presented his investigative report. After Board discussion**
370 **and on the basis of the complaint that was reviewed for probably cause by the Board, Dr.**
371 **Fallen moved and Dr. Wenzel seconded to dismiss Complaint No. 17-01 finding no violation**
372 **of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;**
373 **Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes; Dr.**
374 **Washburn-yes; Dr. Stout-absent. Motion passed.**
375

376 **Complaint No. 17-02 and Complaint No. 17-03: Dr. Gentz presented his investigative**
377 **reports relating to the same matter in two complaints. After lengthy Board discussion and**
378 **on the basis of the complaints that were reviewed for probably cause by the Board, Dr.**

379 **Fallen moved and Dr. Wenzel seconded to dismiss Complaint Nos. 17-02 and 17-03 finding**
380 **no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.**
381 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-abstains; Dr. Fallen-yes;**
382 **Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**

383

384 **Dr. Washburn thanked Dr. Gentz and the Committee.**

385

386 **The Executive Director reminded Dr. Washburn that the Committee had served more than**
387 **two meetings. Dr. Garcia and Marybeth Brown-Pirrone agreed to serve on the Committee**
388 **for two upcoming meetings.**

389

390 **EXECUTIVE SESSION: Dr. Garcia moved Dr. Fallen seconded to enter into**
391 **Executive Session where the Board would discuss only matters pursuant to the Open**
392 **Meetings Act, Chapter 10-15-1 H. (3) in the Matter of Leandro Gutierrez, Jr., DVM-1494.**
393 **Dr. Wenzel requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-**
394 **yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Stout-absent; Dr. Washburn-recused. Motion**
395 **passed. Doors were closed at 12:22 p.m., the Board began deliberation**

396

397 **At 12:57 p.m. doors were opened, Dr. Garcia moved and Dr. Fallen seconded to come out**
398 **of Executive Session, during which only matters pertaining to deliberation regarding the**
399 **case of Leandro Gutierrez, Jr., DVM-1494 were discussed pursuant to the Open Meetings**
400 **Act, Chapter 10-15-1 H. (3). Dr. Wenzel requested a roll call vote. Dr. Wenzel-yes; Dr.**
401 **Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Stout-absent; Dr.**
402 **Washburn-recused. Motion passed.**

403

404 **Dr. Garcia moved Dr. Fallen seconded to approve the Final Order as issued. Dr. Wenzel**
405 **requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms.**
406 **Forrest-yes; Dr. Fallen-yes; Dr. Stout-absent; Dr. Washburn-recused. Motion passed.**

407

408 **Dr. Wenzel moved Dr. Fallen seconded to approve the Settlement Agreement and its terms**
409 **in the Matter of Erin Marie Smith, DVM-2961. Dr. Washburn requested a roll call vote.**
410 **Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes;**
411 **Dr. Washburn-yes; Dr. Stout-absent. Motion passed.**

412

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

415

416 **Ms. Sowers presented the Summary Budget Balance Report for FY17 July - September.**
417 **Ms. Sowers indicated that expenditures would be in compliance with the 50% percent rule.**

418

419 **Ms. Sowers presented the FY16 Active Licenses along with the FY15 Active Licenses**
420 **number as a comparison between the two years. There has been a minimal attrition impact**
421 **between the two years.**

422

423 **Ms. Sowers presented an inquiry from a licensee about performing consultations via Skype.**
424 **The licensee had seen a billboard for Presbyterian Hospital providing this service to**
425 **humans. The licensee would receive calls from other locales and there would be no**
426 **veterinarian-client-patient relationship. The licensee would charge the patient's credit**

427 card before any consulting would be done. The licensee pointed out that there was not a
428 Board rule setting out that it can or cannot be done. The Board discussed the inquiry and
429 cited Board rule 16.25.9.8:

430

431 *C. A valid veterinarian-client-patient relationship (VCPR) must be established when*
432 *delivering veterinary care. See VCPR as defined by the New Mexico Veterinary Practice Act*
433 *61-14-2-J (1), (2), (3), and (4).*

434

435 *(1) A VCPR cannot be established by telephonic, computer, internet or other electronic*
436 *communications; however, a New Mexico-licensed veterinarian may provide or arrange for*
437 *consulting services for their clients using the described electronic communications methods.*

438

439 Ms. Sowers reported that she had been notified by a licensee that Sherry Gaber, DC was
440 practicing animal chiropractic in the Santa Fe area. Ms. Sowers reported that she had
441 visited Ms. Gaber's website and verified that she is advertising animal chiropractic
442 services. Ms. Sowers sent a cease and desist letter; however, it was returned as unclaimed
443 by the USPS.

444

445 Ms. Sowers expressed her concern that applicants seeking licensure by endorsement do not
446 have to provide a national examination score report thereby precluding a check on
447 disciplinary actions in other jurisdictions. The Board determined that it would be
448 beneficial to insert language in rule 16.25.2.11 adding *C. Applicant must report criminal*
449 *convictions and disciplinary actions taken in all jurisdictions.* The Board determined that
450 misdemeanors and moving violations do not need to be reported.

451

452 Ms. Sowers directed the Board to a response received from the Humane Society of
453 Southern New Mexico to a cease and desist letter from the Board. While the Board
454 appreciates the efforts of the Humane Society of Southern New Mexico in providing at cost
455 microchipping, it is still in violation of the Veterinary Practice Act. The Board directed
456 Ms. Sowers to advise the Humane Society of Southern New Mexico of the Board's
457 determination that it is breaking the law.

458

459 Ms. Sowers directed the Board to the response from Petco's attorney concerning Petco's
460 misleading advertising. Ms. Sowers reported that the advertising has been changed and is
461 no longer misleading concerning the services provided by Petco's pet groomers.

462

463 Ms. Sowers reported that she had attended the Sunrise/Sunset Review hearing in Santa Fe
464 on September 27, 2016. The subcommittee tabled action pending discussions with the
465 Animal Sheltering Board about a possible merger of the two agencies. The subcommittee is
466 amenable to opening the statute to remove veterinarians employed by municipal shelters
467 from the exemptions in the Act.

468

469 Ms. Sowers reported that the Board-set examination dates have been set and will be held
470 on January 11, 2017 and May 17, 2017.

471

472 Ms. Sowers reported that a licensee informed Dr. Kuykendall during a facility inspection
473 that Carlos Paez is working in the central part of the state performing equine artificial
474 inseminations.

475 **Dr. Washburn thanked Ms. Sowers for her report.**

476

477 **NEW AND MISCELLANEOUS BUSINESS:**

478

479 **Dr. Wenzel requested the Board's approval to use the faculty at New Mexico State**
480 **University to conduct classes and to certify completion of the classes in bovine artificial**
481 **insemination and bovine pregnancy diagnosis. The Board agreed that NMSU faculty be**
482 **excellent instructors.**

483

484 **Ms. Sowers asked for the Board's assistance in setting the meeting dates for calendar year**
485 **2017. The Board set the following dates:**

486

487 **January 13, 2017;**

488 **April 14, 2017;**

489 **June 2, 2017; and**

490 **October 6, 2017.**

491

492 **Ms. Sowers thanked the Board for their assistance.**

493

494 **Ms. Sowers directed the Board to a letter in their packet received from a complaint post-**
495 **hearing.**

496

497 **Next regularly scheduled Board meeting to be held on January 13, 2017.**

498

499 **There being no further business before the Board, Dr. Fallen moved and Dr. Garcia**
500 **seconded to adjourn the meeting. All in favor; motion passed.**

501

502

503

504

505 **APPROVED:**

506

507 

508 **Dr. Rebecca J. Washburn, Vice-Chair**

509

510 **DATE: 1/13/17**



Dr. John C. Wenzel, Vice Chair

DATE: 1-13-17