



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

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

**MINUTES**

**January 13, 2017**

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

**ROLL CALL:**

**MEMBERS PRESENT:**

Dr. Rebecca J. Washburn, Chair  
Dr. John C. Wenzel, Vice Chair  
Dr. Allison B. Stout, Secretary  
Dr. Manuel Garcia  
Dr. Edward J. Fallen  
Marybeth Brown-Pirrone  
Denai Forrest

**BOARD REPRESENTATIVES:**

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

**BOARD CIVIL COUNSEL:**

Lesley Lowe

**BOARD ADMINISTRATIVE  
COUNSEL:**

Ari Biernoff

**GUESTS:**

Dr. Julie Blossom, NMVMA  
Dr. Paul Ettestad, NM Health Dept.  
Dr. Leandro Gutierrez Jr.  
Dr. Steve Hopkins  
JoLynn Chacon, RVT, NMRVTA  
Janine Fales, RVT, President-NMRVTA  
Elisa Patterson, RVT, Brown Mackie College

Ashley Snider, RVT, Brown Mackie College  
Briggs Cheney, Esq.  
Mark Riley, Esq.  
Andrea Newman, MTP

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

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

**APPROVAL OF BOARD MEETING MINUTES:** Dr. Garcia moved; Dr. Fallen seconded to accept the October 14, 2016 meeting minutes. All in favor, motion passed.

**APPROVAL OF DELIBERATION MEETING MINUTES:** Dr. Wenzel moved Dr. Fallen seconded to accept the November 17, 2016 disciplinary hearing minutes. All in favor, motion passed.

**LEGAL SERVICES FOR VETERINARIANS:** Dr. Washburn welcomed attorney Mark Riley. Mr. Riley described the legal services he provides at no cost to veterinarians.

**IMPAIRED VETERINARIAN COMMITTEE:** Dr. Washburn introduced Marybeth Brown-Pirrone, Board member.

Ms. Brown-Pirrone reminded the Board that the Veterinary Practice Act 61-14-5.1 states that the Board may appoint a committee to organize and administer an impaired veterinarian program. Ms. Brown-Pirrone stated to the Board that she did not believe the name Impaired Veterinarian Committee best describes the mission of the Committee. Ms. Brown-Pirrone suggested the Committee might be named the Wellness Committee.

Ms. Brown-Pirrone discussed briefly the documents in the handbook she prepared. The handbook includes information about the New Mexico Monitored Treatment Program; disciplinary actions taken in other jurisdictions related to addictions and mental illness; articles concerning impairment among veterinary professionals; the mission statement of PAWS (Peer Assistance and Wellness Support), the program of the NMVMA; and a listing of drug testing sites located in New Mexico.

Ms. Brown-Pirrone presented the individuals who have volunteered to be members of the Committee:

Marybeth Brown-Pirrone, Chair;  
Paul Tackett, DVM, Member;  
Briggs Cheney, Member;  
Julie Blossom, DVM, Member; and  
Deanna Post, DVM, Member.

81 Ms. Brown-Pirrone presented Andrea Newman and Mary Lynn Griffin of the New Mexico  
82 Monitored Treatment Program. Ms. Newman and Ms. Griffin described the types of  
83 services offered by the Program and who the Program would best serve the Board's  
84 licensees.

85  
86 The Board discussed the Committee and the PAWS program. The Board expressed  
87 concern about meeting a quorum requirement if Ms. Brown-Pirrone serves on the  
88 Committee. Dr. Wenzel suggested that the work of the Committee be best placed with the  
89 PAWS program at NMVMA. Dr. Blossom was asked if the PAWS program could provide  
90 the services the Committee would be providing. Dr. Blossom indicated that she believed it  
91 could.

92  
93 Dr. Washburn thanked Ms. Brown-Pirrone and her guests for the presentation.

94  
95 NEW MEXICO VETERINARY MEDICAL ASSOCIATION: Dr. Washburn welcomed  
96 Dr. Julie Blossom.

97  
98 Dr. Blossom announced the addition of two new members to the Association board: Dr.  
99 Amanda Favis, Ruidoso, and Monica Lopez, Las Cruces. The next board meeting of the  
100 Association will be on February 4, 2017 in Albuquerque.

101  
102 Dr. Blossom reported that the Association is beginning its second year of Power of 10.  
103 There are currently eight participants in the leadership program with several of last year's  
104 participants becoming very involved in the Association.

105  
106 Dr. Blossom reported that the legislative session would begin on January 17, 2017. The  
107 Association will be re-introducing HB 88 from 2015. The bill amends the Veterinary  
108 Practice Act to provide the Board with oversight of veterinarians employed by local  
109 governments and allow the Board to impose fines on those practicing veterinary medicine  
110 without a license. There are several other bills the Association will be monitoring; all the  
111 bills are listed at the NMVMA website home page under the Legislative tab. The  
112 Association will be sending out email blasts when necessary.

113  
114 Dr. Washburn thanked Dr. Blossom for her report.

115  
116 BROWN MACKIE COLLEGE VETERINARY TECHNOLOGY PROGRAM: Dr.  
117 Washburn welcomed Elisa Patterson, RVT, Program Director.

118  
119 Ms. Patterson reported that the AVMA has granted terminal accreditation to the  
120 Albuquerque Brown Mackie College program. The next report to the AVMA will be due  
121 in February.

122  
123 Ms. Patterson reported that many students have transferred to other schools; there are  
124 currently 13 students in the program in four cohorts with the last cohort graduating in  
125 December 2017.

126  
127 Ms. Patterson reported on the statistics of Brown Mackie College students taking the  
128 VTNE. In 2016, of the eleven first time test takers, ten students passed or 91%. The

129 results of the November/December 2016 testing window were not available as of the  
130 meeting date; however, the program was aware of three students taking and passing the  
131 test in that testing window.

132  
133 Dr. Washburn thanked Ms. Patterson for her report.

134 **NEW MEXICO VETERINARY TECHNICIAN ASSOCIATION:** Dr. Washburn  
135 welcomed Janine Fales, RVT, President and JoLynn Chacon, RVT.

136  
137 Ms. Chacon introduced Janine Fales, 2017 NMVTA President, and turned the report over  
138 to Ms. Fales.

139  
140 Ms. Fales reported that the Association's Annual CE Conference and Membership Meeting  
141 held on October 15, 2016 was well attended with 146 registrants. The constitutional  
142 changes were well received by the membership including the separation of the  
143 Secretary/Treasurer position into two separate positions on the Board. The completed  
144 internal audit of the Association's finances was presented and accepted at the meeting.

145  
146 Ms. Fales reported that the Association's Executive Board meeting was held in November  
147 2016. Three volunteers on the Executive Board will help better serve the membership.

148  
149 Ms. Fales reported that the first winner of the Lorraine Wyant Memorial Scholarship  
150 award for \$500 is Jennifer McCole, currently enrolled in the Brown Mackie Veterinary  
151 Technology Program. The scholarship was open to any veterinary technology student of an  
152 AVMA-accredited program in New Mexico.

153  
154 Ms. Fales reported that JoLynn Chacon has been nominated to serve as District  
155 Representative for the North American Veterinary Technician Association. JoLynn will  
156 serve New Mexico and neighboring states.

157  
158 Ms. Fales reported that the Association's website and Facebook continue to be the main  
159 communication with current and prospective members.

160  
161 The Association's Executive Board will be meeting in the next week to plan the Association  
162 year. The Executive Board will be discussing the distribution of a survey to the  
163 membership along with a top concern of retention of veterinary technicians in the  
164 profession. The survey will be used to guide the Association's activities in 2017.

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166 Dr. Washburn thanked Ms. Fales for her report.

167  
168 **CE PROVIDER APPROVAL:** Approvals are stipulated on the CE hours being in  
169 compliance with the Board's rules.

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171 Dr. Fallen moved Dr. Garcia seconded to approve the following requests as a group:

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173 Licensees reporting the following continuing education hours as approved by the Board  
174 must comply with Board rule 16.25.4.8.

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**Chi Institute**

*TCVM Diagnostics, Classical Acupoints and Advanced  
Acupuncture Techniques – Small Animal:*

**January 1 – March 30, 2017; Online; 10.00 CE hours**

**August 1 - October 31, 2017; Online; 10.00 CE hours**

*TCVM Diagnostics, Classical Acupoints and Advanced  
Acupuncture Techniques – Small Animal:*

**January 26 - 28, 2017; Reddick, Florida; 20.00 CE hours**

**September 14 – 16, 2017; Reddick, Florida; 20.00 CE hours**

*Veterinary Food Therapy:*

**January 1 – March 30, 2017; Online; 10.00 CE hours**

*Veterinary Food Therapy:*

**January 19 – 21, 2017; Reddick, Florida; 20.00 CE hours**

**NMDA Veterinary Diagnostic Services**

*Veterinary Roundtable; 2017 Calendar Year; Throughout  
New Mexico; 2.00 CE hours*

**Socorro County Cooperative Extension Service**

*Technical Large Animal Emergency Rescue:*

**April 10 – 15, 2017; Socorro, New Mexico; 24.00 CE hours**

**USDA APHIS Veterinary Services**

*Mycobacterium bovis and the US Bovine Tuberculosis*

*Eradication Program; April 4-7, 2017; Albuquerque, New  
Mexico; 22.50 CE hours*

**Veterinary Dentistry & Oral Surgery of NM LLC**

**2017 Calendar Year, Algodones, New Mexico:**

*Radiographic Diagnosis Interpretation and Treatment;*  
**2.00 CE hours;**

*Intermediate Radiographic Diagnosis, Interpretation and  
Treatment Planning; 2.00 CE hours;*

*Root Tip Removal; 2.00 CE hours;*

*Regional and Local Nerve Blocks; 2.00 CE hours;*

*Periodontal Therapy, Charting and Instrument Sharpening;*  
**6.00 CE hours;**

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*Top 10 Oral Problems to Recognize; 2.00 CE hours;*

*Getting Dentistry Off the Ground in Your Practice – Secrets of Success; 1.00 CE hour;*

*Dental Radiographs – How and Why; 6.00 CE hours;*

*Canine Extractions Made Easy; 8.00 CE hours;*

*Feline Extractions Made Easier; 8.00 CE hours.*

**Cole Wenzel, DVM**

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

*Veterinary Necropsy Seminar; Zoetis; September 29, 2016; Abilene, Texas; 7.00 CE hours.*

**COMPLAINTS: Dr. Washburn welcomed Dr. Stout; Dr. Garcia; Ms. Forrest and Ms. Brown-Pirrone of the Complaint Review Committee; and Dr. Gentz, Board Investigator.**

**Complaint No. 16-22 – Dr. Stout; Ms Forrest**

**(Marybeth Brown-Pirrone, recused);**

**Complaint No. 16-25 – Dr. Garcia; Marybeth Brown-Pirrone;**

**Complaint No. 17-04 - Dr. Garcia; Marybeth Brown-Pirrone; and**

**Complaint No. 17-05 – Dr. Garcia (Marybeth Brown-Pirrone, recused).**

**Complaint No. 16-22: Dr. Gentz presented his investigative report. After Board discussion and on the basis of the complaint that was reviewed for probable cause by the Board, Dr. Fallen moved Dr. Garcia seconded to issue a Pre-NCA Settlement Agreement requiring a hair follicle drug test within 72 hours of receipt of the Board’s acceptance of the Pre-NCA Settlement Agreement; random hair follicle drug tests over the next 365 days. If any one of the tests is positive, the Board will re-visit the Pre-NCA Settlement Agreement. Dr. Washburn requested a roll call vote. Dr. Wenzel-no; Dr. Garcia-yes; Ms. Brown-Pirrone-recused; Ms. Forrest-abstains; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-abstains. Motion passed.**

**Complaint No. 16-25: Dr. Gentz presented his investigative report. After Board discussion and on the basis of the complaint that was reviewed for probable cause by the Board, Dr. Wenzel moved Dr. Fallen seconded to dismiss Complaint No. 16-17 finding no violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**

**Complaint No. 17-04: Dr. Gentz presented his investigative report. After Board discussion and on the basis of the complaint that was reviewed for probable cause by the Board, Dr. Wenzel moved Dr. Stout seconded to dismiss Complaint No. 16-19 finding no violation of**

272 the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.  
273 Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.  
274 Washburn-yes; Dr. Stout-yes. Motion passed.  
275

276 **Complaint No. 17-05:** Dr. Gentz presented his investigative report. After Board discussion  
277 and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.  
278 Wenzel moved Dr. Stout seconded to dismiss Complaint No. 16-20 finding no violation of  
279 the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.  
280 Garcia-abstains; Ms. Brown-Pirrone-recused; Ms. Forrest-yes; Dr. Fallen-yes; Dr.  
281 Washburn-yes; Dr. Stout-yes. Motion passed.  
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283 Dr. Washburn thanked Dr. Gentz and the Committees.  
284

285 The Executive Director referred the Board to two letters that had been received from a  
286 complainant concerning alleging an arrest of a licensee for felony child abuse. After Board  
287 discussion, Dr. Wenzel moved Dr. Fallen seconded a motion directing the Executive  
288 Director to file a complaint on behalf of the Board and directing the Board Investigator to  
289 investigate the allegation. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.  
290 Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes;  
291 Dr. Stout-yes. Motion passed.  
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 the period FY17 July –  
297 December 2016. Ms. Sowers indicated that expenditures are well below budget.  
298

299 Ms. Sowers presented the FY17 Active Licensees Year-to-Date. The categories reflecting  
300 lower numbers are Bovine A/I and Bovine P/D Permits; the remaining categories remain  
301 static.  
302

303 Ms. Sowers informed the Board that changes to Bovine A/I and Bovine P/D requirements  
304 and fees will have to be incorporated into rule with the next rules changes.  
305

306 Ms. Sowers requested Board approval for a DVM license renewal with disciplinary action  
307 in another jurisdiction since the last renewal. Ms. Sowers indicated that the license had  
308 been issued provisionally pending Board approval. Dr. Garcia moved Dr. Wenzel  
309 seconded to accept the license renewal pending a favorable outcome of the disciplinary  
310 action in the other jurisdiction. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;  
311 Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-  
312 yes; Dr. Stout-yes. Motion passed.  
313

314 Ms. Sowers discussed the Sunset Review hearings she attended accompanied by Dr. Fallen  
315 at the second hearing and by Dr. Garcia for the hearing the day before the Board meeting.  
316

317 Ms. Sowers informed the Board that she had learned that the LFC recommendation for the  
318 FY18 operating budget reflected a reduction of the FY18 appropriation request of \$10,400.  
319

320 Ms. Sowers reported the first hair follicle 5-drug panel test results were negative in  
321 Complaint No. 16-12.

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323 Ms. Sowers also reported that the first monthly report had been received from New Mexico  
324 MTP in the Dr. Smith NCA,

325  
326 Ms. Sowers directed the Board to a letter received from Dr. Pearce related to the NCA  
327 issued and related disciplinary action.

328  
329 **EXECUTIVE SESSION:** Dr. Garcia moved Dr. Wenzel seconded to enter into Executive  
330 Session where the Board would discuss only matters pursuant to the Open Meetings Act,  
331 Chapter 10-15-1 H. (1) and (2). Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;  
332 Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Stout-yes; Dr.  
333 Washburn-yes. Motion passed. Doors were closed at 12:32 p.m.

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335 At 12:46 p.m. doors were opened, Dr. Garcia moved and Dr. Wenzel seconded to come out  
336 of Executive Session during which only matters pertaining to the Open Meetings Act,  
337 Chapter 10-15-1 H. (1) and (2). Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;  
338 Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Stout-yes; Dr.  
339 Washburn-yes. Motion passed.

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341 **NEW AND MISCELLANEOUS BUSINESS:**

342  
343 The Board concluded that it had completed its' discussion concerning microchips at the  
344 meeting held on October 14, 2016.

345  
346 Ms. Sowers presented the Complaint form with language concerning referrals to the New  
347 Mexico Attorney General Office. The Board accepted the language and directed Ms.  
348 Sowers to make the change to the form immediately.

349  
350 Ms. Sowers presented the veterinarian license renewal form with the change to reporting  
351 requirements based on discussion with Ms. Lowe, Board counsel. The Board accepted the  
352 language and directed Ms. Sowers to make the change to the renewal form immediately.

353  
354 Ms. Sowers reported on the Bovine AI/PD permits and informed the Board, after previous  
355 discussion with Dr. Wenzel, that the changes to permitting requirements had not been  
356 made in Board rule. Dr. Wenzel explained that the changes were proposed after other  
357 rules changes by the Board in 2016. Dr. Wenzel informed the Board that he had been  
358 successful in obtaining the services of PhDs at NMSU as examiners for the practical portion  
359 of applicant testing; the written examination will continue to be administered by the Board.  
360 Dr. Wenzel discussed examination waivers for permittees who are instructors in Bovine  
361 AI/PD services; the Board agreed that examination would be unnecessary. Dr. Wenzel  
362 stated that he and Ms. Sowers would work on the rules changes for Bovine AI/PD  
363 applicants and permittees.

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365 Dr. Washburn informed the Board of calls she had been receiving concerning vaccination  
366 clinics and the need for after hours care. After lengthy Board discussion, the Board  
367 directed Ms. Sowers to send letters to veterinarians holding vaccination clinics at tractor

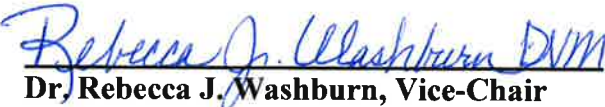


368 supply companies advising them that they must make themselves available for 48 hours  
369 post-vaccine or make arrangements through a written agreement with a local veterinarian  
370 to provide post-vaccine care.

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372 The Board further directed Ms. Sowers to send a letter to the corporate office of tractor  
373 supply companies advising them that pursuant to Board rule 16.25.1.7 H., each tractor  
374 supply company in New Mexico must have a veterinary facility license when veterinary  
375 medicine services are provided in those stores.

376  
377 Next regularly scheduled Board meeting to be held on April 14, 2017.

378  
379 There being no further business before the Board, Dr. Wenzel moved and Dr. Garcia  
380 seconded to adjourn the meeting. All in favor; motion passed.

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384 Dr. Rebecca J. Washburn, Vice-Chair

  
Dr. John C. Wenzel, Vice Chair

385  
386 DATE: 04-14-2017

DATE: 4/14/17