



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

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

MINUTES

1
2 **April 14, 2017**
3

4 **CALL TO ORDER:** The regular meeting of the New Mexico Board of Veterinary
5 Medicine was called to order by Dr. Rebecca J. Washburn, Chair, at approximately 9:04 a.m.
6 Roll call and introductions were made.
7

8 **ROLL CALL:**

9 **MEMBERS PRESENT:**

10 Dr. Rebecca J. Washburn, Chair
11 Dr. John C. Wenzel, Vice Chair
12 Dr. Allison B. Stout, Secretary
13 Dr. Manuel Garcia
14 Dr. Edward J. Fallen
15 Marybeth Brown-Pirrone
16 Denai Forrest

17 **BOARD REPRESENTATIVES:**

18 Frances Sowers, Executive Director
19 Dr. Edward Gentz, Investigator

20 **BOARD CIVIL COUNSEL:**

21 Lesley Lowe
22

23 **GUESTS:**

24 Dr. Leandro Gutierrez Jr.
25 Tamara Spooner, NMVMA
26 Dr. Ralph Zimmerman
27 Michael Russell, Y Law Firm
28 Lauren E. Sanchez-Rivet, Cuddy & McCarthy LLP

29 **OPENING STATEMENT:** Dr. Washburn welcomed everyone to the meeting.
30

31 **ACCEPTANCE OF AGENDA:** Dr. Wenzel moved to accept the Agenda with
32 flexibility; Dr. Garcia seconded. All in favor, motion passed.
33

34 **APPROVAL OF BOARD MEETING MINUTES:** Dr. Garcia moved; Dr. Fallen
35 seconded to accept the January 13, 2017 meeting minutes. All in favor, motion passed.
36

37 **WELLNESS PROGRAM:** Dr. Washburn asked Marybeth Brown-Pirrone to present her
38 report.
39

40 Ms. Brown-Pirrone stressed the importance and need for a wellness program for licensees
41 with drug and alcohol abuse issues. Ms. Brown-Pirrone stated that she had participated in
42 the AAVSB webinar on wellness and agreed with the ideas set forth in the webinar
43 concerning an effective wellness program. Ms. Brown-Pirrone iterated that the Board is
44 bound by 61-14-5.1 of the Veterinary Practice Act and the Board's rules to establish and
45 maintain a wellness program.
46

47 Dr. Washburn stated that the Board should consider a sub-committee with no Board
48 members. If a situation arises where the Board needs to be involved, the sub-committee
49 would work in the Board's stead. Ms. Brown-Pirrone stated she would be happy to
50 provide expertise by virtue of her profession; Ms. Forrest also indicated she would be
51 happy to provide expertise by virtue of her profession.
52

53 Lesley Lowe, Board counsel, reminded the Board that it should consider the committee will
54 need to obtain training. Will the committee handle strictly drug and alcohol addictions?
55 Will the committee be paid per diem, mileage?
56

57 Dr. Garcia commented on the copy of a contract that the Monitored Treatment Program
58 provided setting out its terms. Dr. Garcia wanted it understood that the Board could not
59 enter into contracts for treatment. Ms. Brown-Pirrone explained that the contract was
60 merely for the Board's information; the licensee would enter into a contract with the MTP
61 and would pay for all costs associated with treatment. Most treatment plans are covered
62 by health insurance.
63

64 Dr. Wenzel commented on the importance of beginning to work on a wellness program and
65 believes the structure of the committee is important. Who would be on the committee?
66 Ms. Brown-Pirrone explained that the committee could be comprised of the group that
67 attended the January 13, 2017 meeting because they have had substance abuse issues and
68 gone through the Monitored Treatment Program.
69

70 Dr. Wenzel believes that there should be options to the Monitored Treatment Program
71 thereby offering licensees a choice. Ms. Brown-Pirrone explained that the Monitored
72 Treatment Program evaluates and tests with recommendations as to which program works
73 best for the individual allowing the licensee the opportunity to select a recommended
74 program.
75

76 Ms. Brown-Pirrone iterated that a five-year commitment is the most beneficial in
77 overcoming addictions. Dr. Washburn stressed that structure and policy are going to be
78 key in establishing an effective wellness program.
79
80

81 **FY-16 AUDIT:** Dr. Washburn welcomed Thad Porch, Porch & Associates. Mr. Porch
82 went through the audit page by page and explained the audit process, testing methods and
83 financial statements. Mr. Porch assured the Board that the internal controls of the agency
84 were sound and there were no deficiencies or material weaknesses. Dr. Washburn
85 thanked Mr. Porch for his report.

86
87 Dr. Wenzel moved to accept the FY-16 Audit; Ms. Forrest seconded. All in favor, motion
88 passed.

89
90 **NEW MEXICO LIVESTOCK BOARD:** Dr. Washburn welcomed Dr. Ralph
91 Zimmerman, State Veterinarian.

92
93 Dr. Zimmerman discussed the discovery of a positive tuberculosis daily in Artesia and the
94 steps the Livestock Board is taking in ensuring that there is not a spread to other dairies.
95 Traces of tuberculosis in beef cattle have also been discovered in northern New Mexico; the
96 Livestock Board is monitoring the situation.

97
98 In addition to the tuberculosis discoveries, a brucellosis trace has been found in
99 southwestern New Mexico which may be related to the difficulty the Livestock Board has
100 been experiencing with traceability of imported Mexican feeder cattle.

101
102 Dr. Zimmerman offered his services to the Board should the Board members encounter a
103 specific situation requiring the jurisdiction of the Livestock Board and/or the State
104 Veterinarian.

105
106 Dr. Washburn thanked Dr. Zimmerman for his presentation.

107
108 **CE PROVIDER APPROVAL:** Approvals are stipulated on the CE hours being in
109 compliance with the Board's rules.

110
111 Dr. Garcia moved Dr. Fallen seconded to approve the following requests as a group:

112
113
114 **Santa Fe Animal Shelter**

115
116 *Humane Euthanasia Training Course; December 8-9, 2016;*
117 *Santa Fe, New Mexico; 8.00 CE hours*

118
119 **Veterinary Emergency & Specialty Center of New Mexico**

120
121 *Importance of CORE in Animals; March 1, 2016;*
122 *Albuquerque, New Mexico; 1.50 CE hours*

123
124 **Drs. Timothy Hanosh and John Wenzel**

125
126 *NM-ALIRT/Western States Livestock Health Assn. Annual*
127 *Meeting; April 25-27, 2017; Las Cruces, New Mexico;*
128 *18.00 CE hours*

129
130 Scottsdale Veterinary Specialist & Emergency Center
131

132 *Scottsdale Specialist Symposium, November 12, 2016;*
133 *Scottsdale, Arizona; 6.00 CE hours*
134

135
136 **COMPLAINTS: Dr. Washburn welcomed Dr. Garcia and Ms. Forrest of the Complaint**
137 **Review Committee; and Dr. Gentz, Board Investigator.**
138

139 **Complaint No. 17-06: Dr. Gentz presented his investigative report. After Board discussion**
140 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
141 **Wenzel moved Dr. Fallen seconded to dismiss Complaint No. 17-06 finding no violation of**
142 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
143 **Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.**
144 **Washburn-yes; Dr. Stout-yes. Motion passed.**
145

146 **Complaint No. 17-08: Dr. Gentz presented his investigative report. After Board discussion**
147 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
148 **Wenzel moved Dr. Fallen seconded to dismiss Complaint No. 17-08 finding no violation of**
149 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
150 **Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.**
151 **Washburn-yes; Dr. Stout-yes. Motion passed.**
152

153 **Complaint No. 17-09: Dr. Gentz presented his investigative report. After Board discussion**
154 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
155 **Wenzel moved Dr. Stout seconded to dismiss Complaint No. 17-09 finding no violation of**
156 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
157 **Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.**
158 **Washburn-yes; Dr. Stout-yes. Motion passed.**
159

160 **Complaint No. 17-10: Dr. Gentz presented his investigative report. After Board discussion**
161 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
162 **Wenzel moved Dr. Stout seconded to dismiss Complaint No. 17-10 finding no violation of**
163 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
164 **Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.**
165 **Washburn-yes; Dr. Stout-yes. Motion passed.**
166

167 **Complaint No. 17-11: Dr. Gentz presented his investigative report. After Board discussion**
168 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
169 **Wenzel moved Dr. Stout seconded to dismiss Complaint No. 17-11 finding no violation of**
170 **the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.**
171 **Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.**
172 **Washburn-yes; Dr. Stout-yes. Motion passed.**
173

174 **Complaint No. 17-12: Dr. Gentz presented his investigative report. After Board discussion**
175 **and on the basis of the complaint that was reviewed for probable cause by the Board, Dr.**
176 **Wenzel moved Dr. Stout seconded to dismiss Complaint No. 17-12 finding no violation of**

177 the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.
178 Garcia-abstains; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr.
179 Washburn-yes; Dr. Stout-yes. Motion passed.

180
181 Dr. Washburn thanked Dr. Gentz and the Committee.

182
183 **EXECUTIVE DIRECTOR'S REPORT:** Dr. Washburn asked Ms. Sowers to present the
184 Executive Director's report.

185
186 Ms. Sowers presented the Summary Budget Balance Report for the period FY17 January –
187 March 2017. Ms. Sowers indicated that expenditures were in line for the period.

188
189 Ms. Sowers presented the FY17 Active Licensees Year-to-Date and indicated that the total
190 licenses were up by 70 for the period.

191
192 Ms. Sowers informed the Board that HB 219 had, with the merger of the Animal Sheltering
193 Board, extended the Board of Veterinary Medicine's life to 2023.

194 Ms. Sowers reported that the Governor had signed HB 219; however, HB 123, the animal
195 food surcharge bill had not been presented for Senate consideration.

196
197 In Complaint No. 16-12, Ms. Sowers reported that the second hair follicle test is negative.
198 The MTP program suggested that the licensee does not need to continue the full-year
199 testing. The Board discussed the Pre-NCA Settlement Agreement signed by the licensee
200 requiring four hair follicle tests over a year. Lesley Lowe commented that the Pre-NCA
201 Settlement Agreement was a legally binding contract and could not be altered.

202
203 In Complaint No. 16-22, Ms. Sowers reported that the licensee had rejected the Pre-NCA
204 Settlement Agreement. Ms. Lowe advised that the matter should progress to a Notice of
205 Contemplated Action. Dr. Wenzel moved; Dr. Garcia seconded to issue a Notice of
206 Contemplated Action for violations including but not limited to 61-14-13.A.9 of the
207 Veterinary Practice Act and 16.25.3.8 BB of the Board's rules. Dr. Washburn requested a
208 roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-recused; Ms. Forrest-
209 yes; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

210
211 Ms. Sowers further notified the Board that she had been notified by the Child Support
212 Enforcement Division of HDD that the same licensee is not in compliance with a judgment
213 and order for support in violation of Board rule 16.25.11 Parental Responsibility
214 Compliance. Ms. Lowe advised that the violation can be included in the Notice of
215 Contemplated Action allowing if the licensee comes into compliance during the pendency of
216 the NCA, the violation will be removed from the charging instrument.

217
218 In Complaint No. 16-24, Ms. Sowers reported that all terms of the Pre-NCA Settlement
219 Agreement have been satisfied and asked the Board to close Complaint No. 16-24. Dr.
220 Wenzel moved; Dr. Garcia seconded to close Complaint No. 16-24. Dr. Washburn
221 requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms.
222 Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

223

224 **In the Dr. Leandro Gutierrez NCA, Ms. Sowers reported that Dr. Gutierrez had paid the**
225 **remaining court costs due.**
226

227 **In the Dr. Bill Jones Pearce NCA, Ms. Sowers reported that Dr. Pearce had satisfied all**
228 **terms of the Order and asked the Board to close the matter. Dr. Wenzel moved; Dr. Fallen**
229 **seconded to close the Bill Jones Pearce NCA. Dr. Washburn requested a roll call vote. Dr.**
230 **Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr.**
231 **Washburn-yes; Dr. Stout-yes. Motion passed.**
232

233 **Ms. Sowers requested Board approval of an application submitted by a veterinarian with**
234 **disciplinary action in another jurisdiction. The Board discussed the details of the**
235 **disciplinary action at length. Dr. Wenzel moved; Dr. Fallen seconded to accept the**
236 **application. Dr. Washburn requested a roll call. Dr. Wenzel-yes; Dr. Garcia-yes; Ms.**
237 **Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes.**
238 **Motion passed.**
239

240 **Ms. Sowers requested Board approval of a renewal submitted indicating disciplinary**
241 **action in another jurisdiction since the last renewal. Ms. Sowers confirmed that all terms**
242 **associated with the disciplinary action had been satisfied and the matter closed. Dr.**
243 **Wenzel moved; Dr. Garcia seconded to renew the license. Dr. Washburn requested a roll**
244 **call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr.**
245 **Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**
246

247 **Ms. Sowers reported to the Board that the mobile spay/neuter vans coming into New**
248 **Mexico from other states have not provided the requested schedules of proposed visits to**
249 **the state. The Board directed Ms. Sowers to request notice when the vans will be holding**
250 **spay/neuter clinics and the names of the veterinarians who will be covering emergencies in**
251 **the area where the van will be providing services.**
252

253 **Ms. Sowers followed up on the Board's request to obtain the names of the veterinarians**
254 **holding low-cost vaccination clinics at the Tractor Supply Company stores throughout New**
255 **Mexico. Ms. Sowers reported that one veterinarian was holding the clinics; however, he**
256 **was having difficulty getting local veterinarians to sign an agreement to provide post-**
257 **vaccine emergency services should the need arise. Dr. Gracian Isidron will write a letter to**
258 **the Board with questions he has concerning the clinics and the required post-vaccine**
259 **emergency services agreement.**
260

261 **Ms. Sowers further reported that upon receipt of the letter from the Board, the Tractor**
262 **Supply Company corporate office agreed to obtain facility licenses for all Tractor Supply**
263 **Company stores in New Mexico.**
264

265 **Ms. Sowers presented a question from a licensee concerning animal cruelty reporting. The**
266 **Board iterated its rule 16.25.3.8 T. The reporting of cruelty or illegal action is not a**
267 **violation of confidentiality. Suspected cases of animal cruelty should be reported to the**
268 **animal control agency in that area.**
269

270 **Ms. Sowers presented a licensee inquiry concerning a nutritionist practicing veterinary**
271 **medicine at New Mexico State University. Dr. Wenzel offered and the Board agreed that**

272 Dr. Wenzel will visit the nutritionist as a member of the Board to inform him that he is in
273 violation of the law.

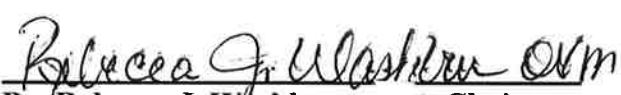
274
275 Ms. Sowers next presented a licensee inquiry concerning the release of records to a non-
276 owner specifically a spouse in a divorce matter. The Board determined that the matter
277 should be adjudicated in the divorce proceedings.

278
279 **NEW AND MISCELLANEOUS BUSINESS:**

280
281 The Board discussed the matter of the licensee who has never provided national
282 examination scores to the Board. Ms. Sowers reported that over the past year, the licensee
283 had been attempting to get the score report from previous employers and had been
284 unsuccessful; Ms. Sowers attempted to obtain the score report from AAVSB and a prior
285 jurisdiction where the licensee had been licensed with no reports resulting; the Board's
286 administrative prosecutor has been attempting to have a conversation with the credentials
287 administrator for AAVSB and has not been able to coordinate dates when both are
288 available and a score report has not materialized. Lesley Lowe advised the Board that
289 there is a statute of limitation connected to this issue which she believed was about to come
290 up shortly. The Board discussed all the efforts having been made and the need to issue a
291 Notice of Contemplated Action before the statute of limitation has run and determined that
292 the Board needed to move on the matter. Dr. Wenzel moved; Dr. Garcia seconded to issue
293 a Notice of Contemplated Action citing including but not limited to Board rules 16.25.2.8 D.
294 and 16.25.2.10 C. (5) (a). Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.
295 Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes;
296 Dr. Stout-yes. Motion passed.

297
298 Next regularly scheduled Board meeting to be held on June 2, 2017.

299
300 There being no further business before the Board, Dr. Fallen moved and Dr. Wenzel
301 seconded to adjourn the meeting. All in favor; motion passed.

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305 Dr. Rebecca J. Washburn, Chair

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305 Dr. John C. Wenzel, Vice Chair

306
307 DATE: 6/2/17

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