



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

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

**MINUTES**

**June 2, 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 9:02 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. Edward Gentz, Investigator  
Dr. Gaven Kuykendall, Facility Inspector

**BOARD CIVIL COUNSEL:**

Lesley Lowe

**BOARD PROSECUTING COUNSEL:**

Ari Biernoff

**GUESTS:**

Dr. Laura Banks, UNM  
Dr. Marlon Clark, CNM  
Evelyn Selva, RVT, CNM  
Elisa Patterson, Brown Mackie College  
Michael Russell, Y Law Firm  
Taylor Fever, CNM Student  
Melanie Herrera, CNM Student  
Kymberlie Wilson, CNM Student

Hannah Klager, CNM Student  
Heather Hilliard, CNM Student  
Hailey McClain, CNM Student  
Michelle Barreto, CNM Student  
Christine Meier, CNM Student  
Morgan Lowery, CNM Student  
Valerie (last name illegible), CNM Student  
DeeDee Velasquez, CNM Student

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

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

**APPROVAL OF BOARD MEETING MINUTES:** Dr. Garcia moved and Dr. Fallen seconded to accept the April 14, 2017 meeting minutes with changes to page 2, lines 66-68: end sentence at *January 13, 2017 meeting* and page 6, line 265: *may be a violation of law*. All in favor, motion passed.

**RABIES VACCINATION – TRIBAL COMMUNITIES:** Dr. Washburn welcomed Dr. Laura Banks, UNM.

Dr. Banks described the efforts of a group of Environmental Health staff of the Albuquerque Area Indian Health Service along with Dr. Paul Ettestad and Dr. Banks addressing rabies vaccination on tribal lands in New Mexico and nationally. Other members of the group include Drs. Timothy Hanosh, Ralph Zimmerman, Tolani Francisco, New Mexico USDA staff, representatives from several tribal animal control divisions as well as Dr. Jennifer House, Colorado Department of Health.

Currently, the Indian Health Service provides rabies vaccine doses for tribal community dogs and cats; IHS staff or tribal animal control officers administer the vaccines. Meetings of the group have highlighted a concern that neither the IHS staff nor the animal control officers have been formally trained on the prevention of rabies and administering the vaccine. The group is in the process of developing a Lay Vaccinator training program for rabies prevention on tribal land. The program is modeled after the Global Alliance for Rabies Control vaccinator program, programs in Alaska which has a similar program for tribes, and North Carolina which has a Lay Vaccinator program serving the general population.

The training for the Lay Vaccinators includes didactic and hands-on training for certification of completion provided by IHS Environmental Health. The certificate language is to be developed by IHS and will be provided to the 25 attendees of the initial training held on April 25-26, 2017. It is hoped that the program can be shared with other IHS regions to provide training for Lay Vaccinators in other states.

81 **The Lay Vaccinator training will protect public human health in New Mexico to the**  
82 **greatest degree possible. Lay Vaccinators will provide rabies vaccines only and only to cats**  
83 **and dogs of tribe members on tribal lands; no payment from the pet owner will be**  
84 **permitted. While the Lay Vaccinators will provide documentation of the vaccine to the pet**  
85 **owner, the certificates will not serve as official documents for travel or pet boarding. The**  
86 **pet owner requiring those services will be referred to a licensed veterinarian for rabies**  
87 **vaccination.**

88  
89 **Dr. Wenzel asked if all tribes and pueblos are participating. Dr. Banks explained that it is**  
90 **still early in the process and not all tribes sent staff to the initial training. The training will**  
91 **be provided to staff of any tribe that identifies the person who should attend.**

92  
93 **Dr. Banks invited Board members with questions or concerns about the program to let her**  
94 **know and she will pass them on to the IHS staff.**

95  
96 **Dr. Washburn thanked Dr. Banks for the presentation.**

97  
98 **CENTRAL NEW MEXICO COMMUNITY COLLEGE: Dr. Washburn**  
99 **welcomed Evelyn Selva, RVT, Program Director.**

100  
101 **Ms. Selva thanked the Board for its continuing support of the program.**

102  
103 **Ms. Selva reported that the program provided addition information or documentation to**  
104 **the CVTEA of the AVMA relating to the standards of accreditation; the CVTEA has**  
105 **accepted some of the items. The program continues to work on the few remaining items.**  
106 **The next site visit is scheduled for 2022.**

107  
108 **The program has twelve students who began the third term of the program on May 15,**  
109 **2017. The third term includes clinical pathology (microbiology, parasitology and**  
110 **urinanalysis), therapeutics and care for small animals (including catheter placement, fluid**  
111 **therapy, bandaging, nutrition, and other nursing skills), and the first term of clinical**  
112 **placements.**

113  
114 **Twenty students graduated in the program on May 6, 2017. Approximately 75% of the**  
115 **graduates have acquired employment and are serving in the veterinary field. Eight of the**  
116 **students have passed the VTNE and even more have passed the New Mexico veterinary**  
117 **technician examination.**

118  
119 **Ms. Selva reported that the Association of Veterinary Technician Educators Symposium**  
120 **will be held in Albuquerque, August 1-4, 2017. The Symposium will draw members from**  
121 **around the nation and Canada; approximately 500 attendees are expected. The CNM**  
122 **program will be showcasing its facility and classroom space as one of the few programs**  
123 **that does not own or house animals on campus. Several of the CNM faculty will be able to**  
124 **attend.**

125  
126 **Ms. Selva announced that she is continuing as the Veterinary Technology Program**  
127 **Director, but a new Clinical Coordinator will be hired with a full-time veterinarian**  
128 **assignment beginning August 2017. During the summer, Dr. Marlon Clark is serving as**

129 the interim Clinical Coordinator; Dr. Clark has been a part-time faculty member for two  
130 and one-half years. Having an interim Clinical Coordinator for the past three weeks has  
131 resulted in greater efficiency for programmatic duties.  
132

133 Ms. Selva reported to the Board that the CNM Veterinary Technology Program is going  
134 strong.  
135

136 Dr. Washburn thanked Ms. Selva for her report.  
137

138 **BROWN MACKIE COLLEGE:** Dr. Washburn welcomed Elisa Patterson, Program  
139 Director.  
140

141 Ms. Patterson reported that the program currently has six students who will graduate on  
142 July 27, 2017 with the program terminating on July 26, 2017.  
143

144 Ms. Patterson thanked the Board for its support of the program.  
145

146 **CE PROVIDER APPROVAL:** Approvals are stipulated on the CE hours being in  
147 compliance with the Board's rules.  
148

149 Dr. Wenzel moved and Dr. Fallen seconded to approve the following requests as a group:  
150

151 *2017 AHVMA Annual Conference, October 21-24, 2017;*  
152 *San Diego, CA; 22.00 CE hours*  
153

154 *New Mexico Conference on the Link between Animal*  
155 *Abuse and Human Violence, September 18 and 19, 2017;*  
156 *Albuquerque, NM; 3.00 CE hours*  
157

158 *NMRVTA Southern Symposium, July 8, 2017;*  
159 *Las Cruces, NM; 2.00 CE hours*  
160

161 All in favor, motion passed.  
162  
163

164 **COMPLAINTS:** Dr. Washburn welcomed Dr. Garcia and Marybeth Brown-Pirrone of the  
165 Complaint Review Committee; and Dr. Gentz, Board Investigator.  
166

167 **Complaint No. 17-13:** 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 and Dr. Stout seconded to dismiss Complaint No. 17-13 finding no violation  
170 of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;  
171 Dr. 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. 17-15:** 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 Fallen moved and Dr. Wenzel seconded to dismiss Complaint No. 17-15 finding no violation

177 of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;  
178 Dr. 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. Ms. Sowers reminded the Chair that  
182 the Committee needed to rotate out the current members. Drs. Fallen and Wenzel  
183 volunteered to serve on the Committee for the next two meetings.

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

187  
188 Ms. Sowers did not present financial and licensing reports due to the short time span  
189 between meetings.

190  
191 Ms. Sowers recommended to the Board that the Board-set reduced examination fee dates  
192 be eliminated so that the Board can increase its revenues. Ms. Sowers also explained that it  
193 is becoming more difficult to find a testing venue without paying for its use. Ms. Sowers  
194 explained to the Board that it has been using a classroom at Grand Canyon University  
195 without charge, but did not want to continue imposing on GCU who has been so graciously  
196 accommodating. It was recommended that perhaps the Board-set examination dates could  
197 continue without reducing the examination fee with VDS as a possible venue.

198  
199 Ms. Sowers requested Board approval of a renewal submitted indicating disciplinary  
200 action in another jurisdiction since the last renewal. Ms. Sowers confirmed that all terms  
201 associated with the disciplinary action had been satisfied and the matter closed. Dr.  
202 Wenzel moved and Dr. Garcia seconded to renew the license. All in favor, motion passed.

203  
204 Ms. Sowers requested Board approval of two continuing education extension second  
205 requests. Dr. Wenzel moved and Dr. Fallen seconded to approve the second continuing  
206 education requests. All in favor, motion passed.

207  
208 Ms. Sowers next reported on Animal Service Center of Las Cruces. Based upon an email  
209 with an attached video of a live report by a local television station expressing public  
210 concern about the Center, Ms. Sowers asked Dr. Kuykendall to make an unannounced visit  
211 to the facility. Ms. Sowers asked Dr. Kuykendall to report his findings to the Board.

212  
213 Dr. Kuykendall reported that he had inspected the facility including the surgical area and  
214 had found the facility in compliance with records and facility requirements. He noted that  
215 there was an extremely strong odor of feces and urine; however, with the high population  
216 of animals at the facility, it is to be expected that it would be nearly impossible to eliminate  
217 the strong odor. Dr. Kuykendall stated that certain breeds of dogs i.e., pit bulls, pit bull  
218 mixes are prohibited from being sent out of state thereby limiting the number of dogs at the  
219 Center accessible to dog rescue groups. Dr. Kuykendall spoke with Dr. Vesco-Mock about  
220 the situation; Dr. Vesco-Mock stated that limited funding by the county continues to  
221 negatively impact the Center and she continues to make the best of it with the funding she  
222 does receive.

223

224 A suggestion was made that perhaps getting the community more involved by reaching out  
225 to businesses to contribute time, materials or money and have a structure or run named for  
226 the business or individual.

227  
228 Ms. Sowers next referred the Board to the VAULT service available from AAVSB to  
229 veterinary boards; the service collects all application materials on behalf of the member  
230 boards. Ms. Sowers expressed her opinion that the New Mexico board should continue its  
231 current application process thereby maintaining control of the application process. The  
232 Board agreed.

233  
234 Ms. Sowers informed the Board that Navajo Technical University Veterinary Technology  
235 Program has received AVMA initial accreditation.

236  
237 Ms. Sowers presented an inquiry from the public concerning a facility charging owners per  
238 client for a written prescription to fill elsewhere. The Board determined that the facility  
239 has the option of charging for written prescriptions in the management of its operations.

240  
241 Ms. Sowers reminded the Board that there is much work to be done in incorporating  
242 animal shelters into the Veterinary Practice Act and its rules. Dr. Garcia stated that HB  
243 219 in effect has changed the Veterinary Practice Act and should be read very carefully so  
244 the Board is aware of the changes. Ms. Sowers will email HB 219 to Board members.

245  
246 Dr. Washburn thanked Ms. Sowers for her report.

247  
248 **NEW MEXICO ATTORNEY GENERAL'S OFFICE:** Dr. Washburn welcomed  
249 Ari Biernoff, Administrative Prosecutor.

250  
251 Mr. Biernoff reported on the status of the national examination score report for  
252 Christopher Edmond Staley who has told Mr. Biernoff he took the examination in  
253 Oklahoma. The AAVSB checked its records for national examinations taken from 1957-  
254 1985 in Oklahoma and has not been able to locate a report for Dr. Staley.

255  
256 Mr. Biernoff reported that his investigation of the unlicensed practice of veterinary  
257 medicine by Carlos Paez is ongoing. Dr. Gentz, Board Investigator, is assisting Mr.  
258 Biernoff with the investigation.

259  
260 **NEW AND MISCELLANEOUS BUSINESS:**

261  
262 Ms. Sowers referred the Board to a document received from AAVSB concerning  
263 telemedicine. Dr. Wenzel iterated the importance of the veterinary-client-patient  
264 relationship which cannot be accomplished electronically. Dr. Garcia agrees that a  
265 physical examination is absolutely necessary and a local veterinarian should be involved.  
266 Dr. Wenzel stated that he believes the Board's rules are good relating to telemedicine.

267  
268 Ms. Sowers referred the Board to redacted emails she had received from the inquirer  
269 alleging the practice of veterinary medicine by a NMSU nutritionist. Dr. Wenzel reported  
270 that he had met with the NMSU nutritionist without identifying the inquirer who has  
271 requested anonymity. The nutritionist stated to Dr. Wenzel that all materials used for

272 training has been obtained with permission. Dr. Wenzel opined to the Board that  
273 veterinary-related education is taught at many universities and land grant schools, and that  
274 educational programming is, in his opinion, not in violation of the practice act.  
275

276 Ms. Sowers referred the Board to a copy of an article in *Time* magazine about ketamine  
277 being a club drug of choice. The drug is also being used to treat depression with potential  
278 big risks.  
279

280 Ms. Sowers directed the Board to an AVMA document setting out the different wellness  
281 programs by veterinary state boards throughout the nation.  
282

283 Dr. Washburn asked Ms. Lowe to present the talking points requested by Dr. Washburn  
284 concerning a wellness program through the Board.  
285

286 Ms. Lowe stated that with a Board member on the wellness committee, there is no quorum  
287 issue for a meeting; however, disciplinary hearings related to wellness issues would present  
288 a problem. The committee could be considered statutorily created by the Board, and  
289 therefore, participants would be eligible to be paid mileage and per diem. The committee  
290 will have to be educated in the Veterinary Practice Act because it will have to abide by the  
291 Act and the Open Meetings Act. Wellness programs are centered on prevention and  
292 treatment of licensees with drugs/alcohol problems, but the Board can only address these  
293 types of issues after a complaint has been filed. Committee meetings will need to be noticed  
294 in the newspaper if interaction by the Board is required. We are fortunate to have access  
295 to the Monitored Treatment Program which can provide evaluation, drug screening and  
296 monitoring of our licensees with drug/alcohol issues.  
297

298 Dr. Washburn stated that she believes the Board needs to separate itself completely from  
299 the committee and the program should be a program of the NMVMA, not the Board. Dr.  
300 Washburn iterated that the committee should refer licensees to the MTP with no Board  
301 involvement.  
302

303 In the matter of the failure of a licensee manager to renew a facility license despite repeated  
304 notices, Dr. Wenzel moved and Dr. Garcia seconded to allow the licensee manager the  
305 opportunity to bring the facility license up to date and to resume providing veterinary  
306 services. A pre-NCA Settlement Agreement will be offered to the licensee manager  
307 assessing a \$500 fine due within 30 days of acceptance of the Settlement Agreement by the  
308 Board. If the licensee manager rejects the pre-NCA Settlement Agreement, the Board may  
309 take further disciplinary action. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes;  
310 Dr. Garcia-yes; Ms. Brown-Pirrone-yes; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-  
311 yes; Dr. Stout-yes.  
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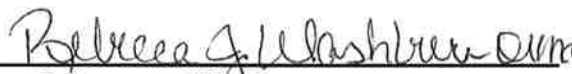
313 **EXECUTIVE SESSION:** Dr. Wenzel moved and Dr. Fallen seconded to enter  
314 Executive Session where only matters relating to Chapter 10-15-1 H. (1) will be discussed  
315 pursuant to the Open Meetings Act NMSA 1978. Dr. Washburn requested a roll call vote.  
316 Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-  
317 yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed. Ms. Sowers and Ms. Brown-  
318 Pirrone were excused from the session; doors were closed at 11:37 a.m.  
319

320 Doors were opened at 12:37 p.m.; Ms. Sowers and Ms. Brown-Pirrone re-joined the  
321 meeting. Dr. Wenzel moved and Dr. Garcia seconded to exit Executive Session where only  
322 matters relating to Chapter 10-15-1 H. (1) were discussed pursuant to the Open Meetings  
323 Act NMSA 1978. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-  
324 yes; Ms. Brown-Pirrone-abstains; Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes; Dr.  
325 Stout-yes.

326  
327 Dr. Wenzel moved and Dr. Garcia seconded to set a meeting on June 15, 2017 to take  
328 action by default in the matter of Michael Robert Pirrone, DVM-1827. Dr. Washburn  
329 requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-abstains;  
330 Ms. Forrest-yes; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes.

331  
332 Next regularly scheduled Board meeting to be held on October 6, 2017.

333  
334 There being no further business before the Board, Dr. Wenzel moved and Dr. Fallen  
335 seconded to adjourn the meeting. All in favor; motion passed.

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338   
339 Dr. Rebecca J. Washburn, Chair

  
Dr. John C. Wenzel, Vice Chair

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341 DATE: 10/10/17

DATE: 10-6-17

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