



**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 **October 6, 2017**
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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 9:15 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 **MEMBERS ABSENT:**

16 Marybeth Brown-Pirrone, Public Member
17 Denai Forrest, Public Member

18 **BOARD REPRESENTATIVES:**

19 Frances Sowers, Executive Director
20 Dr. Gaven Kuykendall, Facility Inspector

21 **GUESTS:**

22 Dr. Marlon Clark, CNM
23 Tamara Spooner, NMVMA

24 Dr. Wenzel moved and Dr. Garcia seconded to direct the Executive Director to notify the
25 Governor's Office of Ms. Forrest's third consecutive absence requiring replacement of Ms.
26 Forrest's position on the Board pursuant to statute. **Dr. Washburn requested a roll call vote.**
27 **Dr. Wenzel-yes; Dr. Garcia-yes Ms. Brown-Pirrone-absent; Ms. Forrest-absent; Dr. Fallen-**
28 **yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.**
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31 **OPENING STATEMENT:** Dr. Washburn welcomed everyone to the meeting.
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33 **ACCEPTANCE OF AGENDA:** Dr. Wenzel moved to accept the Agenda with
34 flexibility and Dr. Garcia seconded. All in favor, motion passed.
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36 **APPROVAL OF BOARD MEETING MINUTES:** Dr. Wenzel moved and Dr.
37 Fallen seconded to accept the September 6, 2017 special meeting minutes. All in favor,
38 motion passed.
39

40 Dr. Wenzel moved and Dr. Fallen seconded to accept the September 14, 2017 special
41 meeting minutes. All in favor, motion passed
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43 Dr. Wenzel moved and Dr. Garcia seconded to accept the June 2, 2017 regular meeting
44 minutes. All in favor, motion passed.
45

46 **OPEN MEETINGS RESOLUTION:** Dr. Garcia moved and Dr. Wenzel seconded to
47 accept the Open Meeting Resolution for FY-18. All in favor, motion passed.
48

49 **NMBVM FACILITY INSPECTOR:** Dr. Washburn welcomed Dr. Gaven
50 Kuykendall.
51

52 A licensee in Las Cruces shared with Dr. Kuykendall his concern that a feed
53 store/veterinary pharmacy was not performing up to par. Drs. Stout and Wenzel deal with
54 the pharmacy and vouched for its performance.
55

56 Dr. Washburn thanked Dr. Kuykendall for his presentation.
57

58 **CENTRAL NEW MEXICO COMMUNITY COLLEGE:** Dr. Washburn
59 welcomed Dr. Marlon Clark, Clinical Coordinator.
60

61 Dr. Clark thanked the Board for its continuing support of the program.
62

63 The program has hired Dr. Clark as the full-time Clinical Coordinator. Instructional
64 assignments are being met by part-time faculty with Evelyn Selva and Dr. Clark in full-
65 time capacities.
66

67 The program has twelve students progressing very well in their fourth term and second
68 rotation at clinical locations. The preceptor partners continue to provide excellent learning
69 opportunities for the students.
70

71 Twenty-one students are in their first term and appear to be progressing well.
72

73 VTNE pass rate statistics were reported as required by the CVTEA. The three-year
74 average for CNM students is at 75.69%. The program is reviewing scores received in the
75 different categories of the examination in an effort to increase the pass rate. Students are
76 being encouraged to begin sooner to gather study materials to increase their VTNE success.
77

78 The Association of Veterinary Technician Educators symposium was held in Old Town,
79 August 1-4, 2017. The symposium drew members nation-wide and Canada totaling

80 approximately 500 attendees. The symposium provided the opportunity to hear new
81 information about the veterinary technology field, share ideas and meet authors of the text
82 books utilized by the program. The CNM program hosted a tour of the South Valley
83 campus and veterinary technology spaces. The next symposium will be held in New
84 Orleans in 2019.

85
86 The next CNM Veterinary Technology Advisory Committee meeting will be held on
87 Tuesday, October 24, 2017 at 6:00 p.m. at the South Valley campus.

88
89 The CNM program is continuing strong.

90
91 Dr. Washburn thanked Dr. Clark for his report.

92
93 **NEW MEXICO VETERINARY MEDICAL ASSN.** Dr. Washburn welcomed
94 Tamara Spooner, Executive Director.

95
96 Ms. Spooner reported that the FDA will announce that it is withdrawing the draft
97 Guidance for Industry #230 "Compounding Animal Drugs from Bulk Drug Substances."
98 The FDA will publish a new draft Guidance addressing all species of animals and not
99 contain references to the federal law on human drug compounding. The AVMA has urged
100 the NMVMA to be ready to approach the New Mexico Board of Pharmacy after the
101 withdrawal takes place. The goal remains to obtain non-patient-specific office stock and
102 dispense it in limited doses.

103
104 Dr. Daniel Levenson will assume the role of NMVMA President; Dr. Anne Hale is
105 unopposed as President-Elect.

106
107 Dr. Emily Walker is the new Southwest Veterinary Symposium President with Dr. Amanda
108 Favis assuming the SWVS Continuing Education Chair.

109
110 Ms. Spooner reported that the new Power of 10 Leadership Class begins on November 11,
111 2017.

112
113 Dr. Washburn thanked Ms. Spooner for her report.

114
115 **CE PROVIDER APPROVAL:** Approvals are stipulated on the CE hours being in
116 compliance with the Board's rules.

117
118 Dr. Wenzel moved and Dr. Fallen seconded to approve the following requests as a group:

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120 *Animal Humane New Mexico*
121 *New Mexico Humane Conference; September 14-15, 2017;*
122 *Albuquerque, NM; 4.00 CE hours*

123
124 *New Mexico Bar Association*

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126 *The Law and Bioethics of Using Animals in Research;*
127 *Albuquerque, NM; August 31, 2017; 6.20 CE hours*

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New Mexico Registered Veterinary Technician Assn.

***2017 NMRVTA CE Conference and Membership Meeting;
Albuquerque, NM; October 21, 2017; 8.00 CE hours***

Progressive Dairy Health Services

***Integrating Cow Biology and Management to Design Effective
Reproductive Management Programs; August 16, 2017;
Clovis, NM; 4.00 CE hours***

Veterinary Emergency & Specialty Center of NM

***Acute Abdomen; Annually, bi-monthly; Albuquerque, NM;
1.00 CE hour***

***Arrhythmias in the Emergency and Post-Op Setting;
Annually, bi-monthly; Albuquerque, NM; 1.00 CE hour***

***Cardiopulmonary Resuscitation; Annually, bi-monthly;
Albuquerque, NM; 1.00 CE hour***

***Hyperthermia and Hypothermia; Annually, bi-monthly;
Albuquerque, NM; 1.00 CE hour***

***Trouble Breathing & Respiratory Look Alikes; Annually, bi-
monthly; Albuquerque, NM; 1.00 CE hour***

Paul Ettestad, DVM

***Binational Forum: Emerging Mosquito-Borne Infectious
Disease along the US-Mexico Border; El Paso, TX;
June 13-14, 2017; 12.00 CE hours***

Ginette A. Gaulin, DVM

***8th International Conference on Wildlife Fertility Control;
July 18-20, 2017; Washington, DC; 15.00 CE hours***

Andrea Harwell, DVM

***Western States Livestock Health Association Conference;
April 24-27, 2017; Las Cruces, NM; 6.00 CE hours***

All in favor, motion passed.

176 **COMPLAINTS:** Dr. Wenzel moved and Dr. Fallen seconded to table all complaints on the
177 agenda to the January 2018 meeting due to the lack of a quorum. Dr. Washburn requested
178 a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes Ms. Brown-Pirrone-absent; Ms. Forrest-
179 absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

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

183

184 Ms. Sowers directed the Board to the FY-17 financial report in the Board books. Ms.
185 Sowers explained that the budget was under-expended by a little over \$10,000.

186

187 The FY-17 total licenses issued is 1697, an increase from 1597 in FY-16.

188

189 Ms. Sowers suggested to the Board that it may want to consider discontinuing the reduced
190 fee, Board-set examination dates because the Board needs the revenue. After careful
191 discussion, the Board determined that the reduced fee, Board-set examinations should
192 continue, but be administered once a year in May only and the examination fee should be
193 set at \$400 for veterinarians and \$85 for veterinary technicians. Ms. Sowers agree this was
194 a good compromise.

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196 Ms. Sowers reported to the Board that the respondent in complaint no. 16-12 had
197 completed the required four random hair follicle tests with negative readings. Ms. Sowers
198 requested that the Board close the complaint. Dr. Wenzel moved and Dr. Fallen seconded
199 to close complaint no. 16-12. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.
200 Garcia-yes Ms. Brown-Pirrone-absent; Ms. Forrest-absent; Dr. Fallen-yes; Dr. Washburn-
201 yes; Dr. Stout-yes. Motion passed.

202

203 Ms. Sowers directed the Board to the letter in the Board books from Dr. Eugene Aversa
204 concerning the satisfaction of the terms of the Order issued on October 17, 2014. Ms.
205 Sowers informed the Board that the Order expiration date is October 17, 2017. The Board
206 agreed to accept the fulfillment of the terms of the Order dated October 17, 2014. Dr.
207 Wenzel moved and Dr. Fallen seconded to accept the satisfaction of all terms of the Order
208 and to close the matter. Dr. Washburn requested a roll call vote. Dr. Wenzel-yes; Dr.
209 Garcia-yes Ms. Brown-Pirrone-absent; Ms. Forrest-absent; Dr. Fallen-yes; Dr. Washburn-
210 yes; Dr. Stout-yes. Motion passed.

211

212 **In the Matter of Michael Robert Pirrone, DVM-1827,** Ms. Sowers reported that the
213 Certificate of Compliance had been received from the Child Enforcement Division of the
214 Human Services Department. Ms. Sowers requested removal of the suspended status of
215 Dr. Pirrone's license. Dr. Wenzel moved and Dr. Fallen seconded. Dr. Washburn
216 requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes Ms. Brown-Pirrone-absent; Ms.
217 Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.

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219 **In the Matter of Erin Marie Smith, DVM-2961,** Ms. Sowers reported that Dr. Smith
220 continues to have negative results on the random hair follicle drug tests.

221

222 Ms. Sowers presented the third request for a continuing education extension for the
223 Board's approval. Dr. Wenzel moved and Dr. Garcia seconded to approve the third

224 continuing education extension request with a reminder to the licensee of the Board rule
225 addressing the maximum number of extension requests allowed in a career. Dr. Washburn
226 requested a roll call vote. Dr. Wenzel-yes; Dr. Garcia-yes Ms. Brown-Pirrone-absent; Ms.
227 Forrest-absent; Dr. Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed.
228

229 Ms. Sowers notified the Board about Irene Eagle, a non-veterinarian, microchipping pets
230 in the Deming area. A certified mail cease and desist letter has been sent to Ms. Eagle with
231 the green card being returned, but no response. Ms. Sowers contacted Tractor Supply in
232 Deming, previously responsive in providing information about vaccination clinics at the
233 store; however, no response to repeated requests concerning the microchipping.
234

235 Ms. Sowers directed the Board to an email in the Board books from the public concerning
236 the need for veterinary facilities to find other methods to inform the public of their closure.
237 The Board discussed the current rule and determined that it provided sufficient notice to
238 pet owners.
239

240 Ms. Sowers referred the Board to HB-219, the Veterinary Practice Act to effect on July 1,
241 2018 and the changes that will come with the new Act.
242

243 Ms. Sowers further referred the Board to the current Animal Sheltering Board rules and
244 the critical need to establish minimum standards for shelters. Ms. Sowers stressed to the
245 Board that there is a lot to be done and deadlines to be met so that the changes to the rules
246 necessary due to the merger of the ASB into the BVM will also effect on July 1, 2018.
247

248 Ms. Sowers referred the Board to the AAVSB newsletter concerning emergency licensing.
249 The Board determined that the temporary licensure currently in place would be sufficient
250 in an emergency licensure situation.
251

252 Ms. Sowers directed the Board to the email inquiry concerning USP Chapter 800 –
253 Hazardous Drugs – Handling in Healthcare Settings. The Board asked Ms. Sowers to
254 make an inquiry to the Board of Pharmacy on how that agency is handling the matter. The
255 Board asked Ms. Sowers to report back with the Board of Pharmacy’s response.
256

257 Ms. Sowers referred the Board to the email inquiry in the Board book concerning
258 antibiotics for bees. The Board recognized the Federal laws of January 1, 2017 requiring
259 judicious use and iterated that veterinarians do not treat bees and would be protected by
260 the required valid veterinarian-client-patient relationship.
261

262 Ms. Sowers reported on a licensee inquiry concerning a Facebook posting by another
263 licensee offering bovine ultrasound pregnancy tests for \$3 per test; inquirer feels it is
264 unprofessional. The Board discussed the matter and agreed it has no jurisdiction because
265 the advertising is not violating rule 16.25.3.8 U. 12.
266

267 Dr. Washburn thanked Ms. Sowers for her report.
268
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270 **NEW AND MISCELLANEOUS BUSINESS:**

271
272 Ms. Sowers directed the Board to an article from AVMA concerning the credential change
273 to veterinary nurse from registered or certified veterinary technician. Dr. Garcia
274 suggested the Board remain aware of what measures are being taken in this effort to
275 change the credentialing so the Board can voice its opinion when necessary.
276



277 **EXECUTIVE SESSION:** Dr. Wenzel moved and Dr. Stout seconded to enter
278 Executive Session where only matters relating to Chapter 10-15-1 H. (2) will be discussed
279 pursuant to the Open Meetings Act NMSA 1978. Dr. Washburn requested a roll call vote.
280 Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-absent; Ms. Forrest-absent; Dr.
281 Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes. Motion passed; doors were closed at 11:09
282 a.m.
283

284 Doors were opened at 11:47 p.m. Dr. Fallen moved and Dr. Wenzel seconded to exit
285 Executive Session where only matters relating to Chapter 10-15-1 H. (2) were discussed
286 pursuant to the Open Meetings Act NMSA 1978. Dr. Washburn requested a roll call vote.
287 Dr. Wenzel-yes; Dr. Garcia-yes; Ms. Brown-Pirrone-absent; Ms. Forrest-absent; Dr.
288 Fallen-yes; Dr. Washburn-yes; Dr. Stout-yes.
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290 The Board set the meeting dates for calendar year 2018 as follows:
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- 292 January 19, 2018;
- 293 April 20, 2018;
- 294 July 20, 2018; and
- 295 October 19, 2018.

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297 There being no further business before the Board, Dr. Wenzel moved and Dr. Fallen
298 seconded to adjourn the meeting. All in favor; motion passed.
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302 _____, Vice Chair
303 Dr. Rebecca J. Washburn, Chair

304 DATE: 1/19/18 DATE: 1/19/2018
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