



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

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

MINUTES

October 19, 2018

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 9:08 a.m. Roll call and introductions were made.

ROLL CALL:

MEMBERS PRESENT:

Dr. Rebecca J. Washburn, Chair
Dr. Edward J. Fallen
Dr. Lawrence D. Young
Dr. Samantha R. Uhrig
Marybeth Brown-Pirrone

MEMBERS ABSENT:

Dr. Manuel A. Garcia, Vice-Chair

BOARD REPRESENTATIVES:

Frances Sowers, Executive Director
Dr. Lindsey Gardner, Board Investigator

BOARD CIVIL COUNSEL:

Lesley Lowe

GUESTS:

Guadalupe Tarargo
Maria Amaro
Sherry Miller
Magdalana Heise
Joseph Wosick, Esq.
Dr. T. Murt Byrne
Evelyn Selva, RVT
Victoria L. Murphy
Brittan Berget
Pennie Wardlow
Dr. Nicole Vigil

34
35
36
37 **OPENING STATEMENT:** Dr. Washburn welcomed everyone to the meeting.
38

39 **ACCEPTANCE OF AGENDA:** Dr. Fallen moved to accept the Agenda with
40 flexibility and Dr. Uhrig seconded. All in favor, motion passed.
41

42 **APPROVAL OF BOARD MEETING MINUTES:** Dr. Fallen moved and Dr.
43 Uhrig seconded to approve the July 20, 2018 regular meeting minutes. All in favor; motion
44 passed.
45

46 **APPROVAL OF BOARD MEETING MINUTES:** Dr. Fallen moved and Dr.
47 Uhrig seconded to accept the August 15, 2018 meeting minutes. Dr. Washburn requested a
48 roll call vote.
49

50 **OPEN MEETINGS RESOLUTION:** Dr. Fallen moved and Dr. Young seconded to accept
51 the Open Meetings Resolution for the period October 2018 through and including October
52 2019. Dr. Washburn requested a roll call vote. Dr. Uhrig-yes; Dr. Garcia-absent; Ms.
53 Brown-Pirrone-yes; Dr. Fallen-yes; Dr. Young-yes; Dr. Washburn-yes. Motion passed.
54

55 **COMPLAINTS:** Dr. Washburn welcomed Dr. Fallen and Dr. Uhrig of the Complaint
56 Review Committee; and Dr. Gardner, Board Investigator.
57

58 **Complaint No. 18-23-A:** The Committee presented its report. After Board discussion and
59 on the basis of the complaint that was reviewed for probable cause by the Board, Dr.
60 Young moved and Ms. Brown-Pirrone seconded to issue a Pre-NCA Settlement Agreement
61 for alleged violations of Board rules Minimum Standards Board Rule 16.25.3.8 L.
62 Standard of Care. The Pre-NCA Settlement Agreement requires 2.00 continuing education
63 hours in wound management and 2.00 continuing education hours in dermatology. The
64 4.00 hours will be accrued within one year in addition to the 15.00 continuing education
65 hours required annually for license renewal. If the Pre-NCA Settlement Agreement is not
66 accepted by Respondent, the Board will initiate disciplinary action. Dr. Washburn
67 requested a roll call vote. Dr. Uhrig-abstains; Dr. Garcia-absent; Ms. Brown-Pirrone-yes;
68 Dr. Fallen-abstains; Dr. Young-yes; Dr. Washburn-yes. Motion passed.
69

70 **Complaint No. 18-23-B:** The Committee presented its report. After Board discussion and
71 on the basis of the complaint that was reviewed for probable cause by the Board, Dr.
72 Young moved and Ms. Brown-Pirrone seconded to issue a Pre-NCA Settlement Agreement
73 for alleged violations of Board rules Minimum Standards Board Rules 16.25.3.8 L.
74 Standard of Care and 16.25.9.21 Record Keeping. The Pre-NCA Settlement Agreement
75 requires 2.00 continuing education hours in wound management, 2.00 continuing education
76 hours in dermatology and 2.00 continuing education hours in record keeping. The 6.00
77 hours will be accrued within one year in addition to the 15.00 continuing education hours
78 required annually for license renewal. If the Pre-NCA Settlement Agreement is not
79 accepted by Respondent, the Board will initiate disciplinary action. Dr. Washburn

80 requested a roll call vote. Dr. Uhrig-abstains; Dr. Garcia-absent; Ms. Brown-Pirrone-yes;
81 Dr. Fallen-abstains; Dr. Young-yes; Dr. Washburn-yes. Motion passed.

82
83 **Complaint No. 18-23-C:** The Committee presented its report. After Board discussion and
84 on the basis of the complaint that was reviewed for probable cause by the Board, Dr.
85 Young moved and Ms. Brown-Pirrone seconded to issue a Pre-NCA Settlement Agreement
86 for alleged violations of Board rules Minimum Standards Board Rules 16.25.3.8 L.
87 Standard of Care and 16.25.9.21 Record Keeping. The Pre-NCA Settlement Agreement
88 requires 2.00 continuing education hours in wound management, 2.00 continuing education
89 hours in dermatology and 2.00 continuing education hours in record keeping. The 6.00
90 hours will be accrued within one year in addition to the 15.00 continuing education hours
91 required annually for license renewal. If the Pre-NCA Settlement Agreement is not
92 accepted by Respondent, the Board will initiate disciplinary action. Dr. Washburn
93 requested a roll call vote. Dr. Uhrig-abstains; Dr. Garcia-absent; Ms. Brown-Pirrone-yes;
94 Dr. Fallen-abstains; Dr. Young-yes; Dr. Washburn-yes. Motion passed.

95
96 **Complaint No. 18-24:** The Committee presented its report. After Board discussion and on
97 the basis of the complaint that was reviewed for probable cause by the Board, Dr. Young
98 moved and Ms. Brown-Pirrone seconded to dismiss Complaint No. 18-24 finding no
99 violation of the Veterinary Practice Act. Dr. Washburn requested a roll call vote. Dr.
100 Uhrig-abstains; Dr. Garcia-absent; Ms. Brown-Pirrone-yes; Dr. Fallen-abstains; Dr.
101 Young-yes; Dr. Washburn-yes. Motion passed.

102
103 **Dr. Washburn thanked the Committee and Dr. Gardner for their presentations.**

104
105 **NCA MATTERS:** In the Matter of Erin Marie Smith, DVM-2961. Ms. Sowers
106 confirmed that Dr. Smith had complied with all terms of the Order and reported that she
107 had been contacted by the Monitored Treatment Program to let her know that Dr. Smith
108 had opted to continue her participation in the Monitored Treatment Program. Ms. Sowers
109 requested closure of the NCA file. Dr. Fallen moved and Dr. Uhrig seconded to lose the
110 NCA file. Dr. Washburn requested a roll call vote. Dr. Uhrig-yes; Dr. Garcia-absent; Ms.
111 Brown-Pirrone-yes; Dr. Fallen-yes; Dr. Young-yes; Dr. Washburn-yes. Motion passed.

112
113 **Dr. Smith arrived later in the meeting and was congratulated by the Board for her hard**
114 **work in completing all of the terms of its Order.**

115
116 **In the Matter of L. Laurelle Danton, DVM-2340 and Kokopelli Veterinary Care, VF-849.**
117 **Ms. Sowers confirmed that Dr. Danton has satisfied all terms of the Order. Ms. Sowers**
118 **requested closure of the NCA file. Dr. Fallen moved and Dr. Uhrig seconded to lose the**
119 **NCA file. Dr. Washburn requested a roll call vote. Dr. Uhrig-yes; Dr. Garcia-absent; Ms.**
120 **Brown-Pirrone-yes; Dr. Fallen-yes; Dr. Young-yes; Dr. Washburn-yes. Motion passed.**

121
122 **In the Matter of Richard A. Heise, DVM-28. Dr. Washburn welcomed Magdalena Heise,**
123 **representative of Dr. Heise. Ms. Heise reported that St. Francis Animal Clinic continues to**
124 **improve the facility including only being open when there is a New Mexico-licensed**
125 **veterinarian on the premises. Ms. Heise reported that the controlled substances inventory**
126 **had been conducted as required. Dr. Fallen asked Ms. Heise how many veterinarians were**
127 **employed by St. Francis Animal Clinic, Ms. Heise reported that there are four**

128 veterinarians, all part-time: Dr. Mario Isidron; Dr. Vicki Saga; Dr. Jennifer Keppers; and
129 Dr. Susan Larsen. Dr. Washburn thanked Ms. Heise for the progress report.

130
131 **CE PROVIDER APPROVAL: Approvals are stipulated on the CE hours comply**
132 **with the Board's rules.**

133
134 Dr. Fallen moved and Dr. Uhrig seconded to approve continuing education requests for
135 the following:

136
137 **Animal Humane New Mexico**

138
139 *2018 New Mexico Humane Conference; August 9-10, 2018;*
140 *Albuquerque, New Mexico; 11.00 CE hours for Euthanasia*
141 *Technicians.*

142
143 **Zoetis**

144
145 *Reproductive Management; September 6, 2018; Abilene, Texas;*
146 *6.00 CE hours.*

147
148 All in favor; motion passed.

149
150 **EXECUTIVE DIRECTOR'S REPORT: Dr. Washburn asked Ms. Sowers to present the**
151 **Executive Director's report.**

152
153 Ms. Sowers directed the Board to the first quarter FY-19 revenues and expenditures
154 report. The revenues are far exceeding the expenditures; expenditures are being carefully
155 monitored because it is a 50% year i.e., 50% of the operating budget cannot be spent
156 before year end. The 2019 licensing reports now include new and renewal shelter licenses
157 and new and renewal euthanasia technician licenses.

158
159 Ms. Sowers next reported that the FY20 Appropriation Request had been submitted
160 timely. The appropriation request will be going before the Legislative Finance
161 Subcommittee on October 24, 2018. Drs. Washburn, Young and Fallen will accompany
162 Ms. Sowers to the hearing.

163
164 Ms. Sowers reported that she had placed the hiring of an operations manager as a lesser
165 priority in comparison with hiring a shelter inspector. Should the pet food surcharge tax
166 be enacted, the hiring of an operations manager will need to be revisited.

167
168 Ms. Sowers updated the Board on the former Animal Sheltering Board licensees. Ms.
169 Sowers reported that the BVM staff stepped up to the monumental task of organizing and
170 researching the files. Cathy Hernandez organized all files and researched at the ASB
171 website to ensure which licenses were active and which were expired. The former Animal
172 Sheltering Board would not provide a usable database; therefore, Reina Meza had to enter
173 all licensing information in 218+ files into the Board's database. Ms. Sowers commends
174 the staff for their extra efforts in having all information researched, organized and entered

175 within two weeks of receiving the files; these tasks in addition to their regular day-to-day
176 tasks.

177
178 Ms. Sowers referred the Board to a letter in their books from a euthanasia licensee
179 questioning why a veterinary facility license was necessary for half of their building and a
180 shelter license was necessary for the sheltering half of their building. Ms. Sowers reported
181 to the Board that she had explained that each half of the building would require an
182 inspection by the facility inspector and the shelter inspector using applicable minimum
183 standards. The Board iterated that the information Ms. Sowers had given the licensee is
184 correct.

185
186 Ms. Sowers followed up on a possible hoarding situation by a licensee. The Board Chair
187 had directed Ms. Sowers to check with the facility inspector for his impression of the
188 facility at his last inspection. Dr. Kuykendall, facility inspector, reported that the animals
189 were being humanely housed and there was not serious overcrowding and could not be
190 described as hoarding.

191
192 Ms. Sowers reported on the licensee with the malfunction, non-inspected anesthesia
193 machine. Dr. Kuykendall remained in constant contact with licensee suggesting that the
194 licensee replace the anesthesia machine, which was so old it was impossible to inspect, or
195 use only injection anesthesia. The licensee did purchase a new anesthesia machine that will
196 not be inspected regularly.

197
198 Ms. Sowers directed the Board to their meeting books and requested approval for a
199 licensee's renewal with disciplinary action taken in another jurisdiction. The licensee has
200 complied with the terms of the disciplinary action and the matter has been resolved. Dr.
201 Fallen moved and Dr. Young seconded to accept the renewal for the 2019 licensing year on
202 a provisional basis with the stipulation that the licensee keep the Board apprised of
203 compliance of all terms of the Texas Order. Dr. Washburn requested a roll call vote. Dr.
204 Uhrig-yes; Dr. Garcia-absent; Ms. Brown-Pirrone-yes; Dr. Fallen-yes; Dr. Young-yes; Dr.
205 Washburn-yes. Motion passed.

206
207 Ms. Sowers again directed the Board to their meeting books and requested their
208 determination concerning an application for re-licensure by the Board. The applicant was
209 licensed in good standing in New Mexico from 2005 through 2013 as a veterinarian and
210 owner/licensee manager of a veterinary facility. The applicant is currently negotiating the
211 terms of a Final Order in a disciplinary action by a board in another jurisdiction. Dr.
212 Young moved and Dr. Fallen seconded to accept the application with the same stipulations
213 as the other jurisdictional board. The Board directed Ms. Sowers to prepare a Pre-NCA
214 Settlement Agreement setting out that the New Mexico Board's requirements will be the
215 same as those in the other jurisdiction. Dr. Washburn requested a roll call vote. Dr.
216 Uhrig-yes; Dr. Garcia-absent; Ms. Brown-Pirrone-yes; Dr. Fallen-yes; Dr. Young-yes; Dr.
217 Washburn-yes. Motion passed.

218
219 Ms. Sowers asked for the Board's determination on a request from a licensee to waive late
220 fees for a license that expired on November 30, 2017. Ms. Sowers explained to the Board
221 that the licensee was in the throes of retiring from foreign service and many things fell
222 through the cracks including not informing the Board of preferred mailing and email

223 addresses. Dr. Washburn asked Ms. Sowers if the licensee was current in required
224 continuing education hours. Ms. Sowers reported that the licensee was granted an
225 administrative extension to accrue continuing education hours which he did not fulfill. Ms.
226 Sowers explained that the licensee will not practice veterinary medicine the future, but
227 wants to keep the license for sentimental reasons. Ms. Sowers reported to the Board that
228 she had reminded the licensee of the Board rules regarding licensee responsibilities, but the
229 licensee wanted to pursue a Board determination concerning the waiver of the late fees.
230 The Board iterated the clarity of the rules and the responsibilities of all licensees to abide
231 by the rules promulgated by the Board.

232
233 Ms. Sowers was contacted by the Executive Director of the New Mexico Board of
234 Pharmacy concerning a Memorandum of Understanding by and between the two boards
235 regarding inspection of veterinary facilities. Ms. Sowers was able to find information
236 about the Memorandum of Understanding in the Board's files. The Board of Veterinary
237 Medicine continues to honor the Memorandum of Understanding entered into prior to May
238 1992 with the Board of Pharmacy. The BVM's facility inspector, as part of the requisite
239 biennial facility inspection, inspects the annual controlled substances inventory report
240 maintained by all veterinary facilities licensed by the BVM. Further, the facility inspector
241 assists veterinary facilities to correct discrepancies in their inventories when they occur.
242 The Board directed Ms. Sowers to write letter to the Board of Pharmacy with the
243 information.

244
245 Ms. Sowers asked the Board to set meeting dates for calendar year 2019. The Board set the
246 following dates for its regular Board meetings:

247
248 January 25, 2019;
249 April 26, 2019;
250 July 19, 2019; and
251 October 25, 2019.

252
253 **NEW MEXICO VETERINARY MEDICAL ASSN.:** Dr. Washburn welcomed
254 Tamara Spooner, Executive Director.

255
256 Ms. Spooner reported that National Association of Boards of Pharmacy responded to the
257 concerns of the veterinary community, and ultimately recommended to amend *The Model*
258 *State Pharmacy Act and Model Rules of the NABP* with respect to veterinary drug
259 compounding. These amendments provide for a new definition of veterinary dispensing
260 and identify appropriate instances for compounding for office use by veterinarians, and
261 subsequent dispensing for emergency situations. With respect to dispensing medications
262 compounded for office use, NABP's model act contains language that allows for dispensing
263 a maximum of a 120-hour supply. These changes follow recommendations of the NABP's
264 Task Force on Best Practices for Veterinary Compounding. The AVMA participated in
265 discussions with the NABP task force. The Board suggested that licensees with questions
266 should be referred to recommended links at the AVMA website.

267
268 In the last few years many states have made efforts to address the needs of veterinarians
269 with respect to maintaining and dispensing from office stock (of compounded
270 preparations). During this current legislative session, Colorado successfully enacted

271 **legislation and Delaware finalized rules to allow veterinarians to maintain and dispense**
272 **from office stock. Virginia increased the number of days for which a veterinarian may**
273 **dispense medication from preparations compounded for office use from 3 days to 7 days.**
274 **MN, NY, MO, GA, OK have all introduced or drafted language. South Carolina recently**
275 **established a committee comprising members from the state's pharmacy and veterinary**
276 **medical boards to try and address this issue.**

277
278 **Ms. Spooner next reported that the AVMA will be meeting with FDA in the coming**
279 **week; however, at the present time it is not known when the new guidelines will be**
280 **released.**

281
282 **Dr. Adena Robertson of 4 Paws Veterinary Hospital will be joining the NMVMA Board**
283 **of Directors as Director at Large. Dr. Ross LeClaire will complete his term and go off**
284 **the Board.**

285
286 **Ms. Spooner reported that he Southwest Veterinary Leadership Conference was a great**
287 **success. The 45 anticipated attendees did attend. The Conference will be continued**
288 **annually; the 2019 Conference will be held March 9-10, 2018 in Park City, Utah.**

289
290 **New Mexico had an outstanding attendance at the South West Veterinary Symposium.**
291 **Dr. Emily Walker ended her term as president; however, she and Dr. Murt Byrne**
292 **continue to serve as the New Mexico representatives.**

293
294 **Ms. Spooner reported that the newly begun fourth year of the Power of 10 class has eight**
295 **participants.**

296
297 **Dr. Washburn thanked Ms. Spooner for her report.**

298
299 **NEW MEXICO VETERINARY TECHNICIAN ASSN.: Dr. Washburn**
300 **welcomed Donnarae Saenz-Lozano, RVT.**

301
302 **Ms. Saenz-Lozano toured the Navajo Technical University at Crown Point, New Mexico**
303 **in May. The first Career Night at the University was held on September 29, 2018; nine**
304 **students from the University attended. The event was sponsored by Hill's; the meeting**
305 **was held at the Navajo Tech Innovation Center. Invited speakers spoke about he many**
306 **paths licensed veterinary technicians can follow.**

307
308 **The Annual Career Night was held in Albuquerque on May 19, 2018 at the Piatanzi**
309 **restaurant; the event was sponsored by Hill's. Nineteen students attended; all were**
310 **CNM students. Invited speakers spoke about the different paths licensed veterinary**
311 **technicians can follow.**

312
313 **The Association hosted the Annual Continuing Education Conference and Business**
314 **Meeting on October 20, 2018, there were 126 attendees. The members consisted of**
315 **registered veterinary technicians, paraprofessionals, and students. Several speakers**
316 **presented at the event sponsored by Hill's and Albuquerque Pet Memorial Service.**

317

318 **Ms. Saenz-Lozano reported that the Association officers met regularly throughout the**
319 **year to plan the events. The Association’s future goals include continuing the CE event**
320 **in southern New Mexico, holding a career night in northern New Mexico, and possible a**
321 **CE event in norther New Mexico as well.**

322

323 **Dr. Washburn thanked Ms. Saenz-Lozano for her report.**

324

325 **CENTRAL NEW MEXICO COMMUNITY COLLEGE: Dr. Washburn**
326 **welcomed Evelyn Selva, RVT, Program Director.**

327

328 **Ms. Selva reported that eleven students in the Program has graduated in May; five of the**
329 **graduating students have been licensed. A 2017 graduate moved out of state, but**
330 **recently returned and has been licensed in New Mexico.**

331

332 **Ms. Selva reported that twelve students are in their fourth term and making very good**
333 **progress. Their courses for the current term include Clinical Pathology with hematology**
334 **as the focus point; Anesthesia lecture and lab; and the Clinical placement course.**

335

336 **Twenty-five students are in their first term of the Program. The term began on August**
337 **27 and all of the students appear excited about the courses and are well engaged in class**
338 **activities and studies.**

339

340 **In early September, the latest biennial report was filed with the CVTEA; critical and**
341 **major deficiencies were addressed and the Program is awaiting notification that it has**
342 **met most of the needs. The CVTEA will be meeting in early November and soon after**
343 **the meeting, the Program will hear follow-up results from the biennial report. The next**
344 **accreditation site visit is set for 2022.**

345

346 **Preceptor locations have expanded with two new locations; three other potential**
347 **locations are also expected. Having a good selection of preceptor locations assists the**
348 **Program by providing various learning opportunities for the students and allows some**
349 **locations to “rest” between student placements. There are currently 25 active sites.**

350

351 **Sufficient funding for supplies continues with Carl Perkins funding providing for**
352 **additional new equipment.**

353

354 **The latest CNM Veterinary Technology Advisory Committee meeting was held on**
355 **October 18, 2018. Approximately twenty people attended the meeting. The next meeting**
356 **is planned to be held in March 2019.**

357

358 **TELEMEDICINE AND VALID VCPR: With telemedicine becoming more**
359 **conventional, it is imperative that licensees know the definition of a valid veterinarian-**
360 **client-patient relationship. Dr. Washburn iterated that it was important for the Board to**
361 **make licensees aware of the valid VCPR. Tamara Spooner told the Board that she would**
362 **be happy to post information at the NMVMA’s website; Ms. Sowers will post the**
363 **information at the Board’s website and include a flag with renewal forms.**

364

