TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 1 GENERAL PROVISIONS

16.25.1.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.25.1.1 NMAC - Rp, 16.25.1.1 NMAC, 01-17-2014]

16.25.1.2 SCOPE: These rules apply to all veterinarians, veterinary technicians, bovine artificial insemination technicians, bovine pregnancy diagnosis technicians, and veterinary facilities.
[16.25.1.2 NMAC - Rp, 16.25.1.2 NMAC, 01-17-2014]

16.25.1.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-5 (F), directs the board of veterinary medicine to adopt, regularly review and revise rules necessary to carry out the provisions of the Veterinary Practice Act after a hearing open to the public.
[16.25.1.3 NMAC - Rp, 16.25.1.3 NMAC, 01-17-2014]

16.25.1.4 DURATION: Permanent.
[16.25.1.4 NMAC - Rp, 16.25.1.4 NMAC, 01-17-2014]

16.25.1.5 EFFECTIVE DATE: 01-17, 2014 unless a later date is cited at the end of a section.
[16.25.1.5 NMAC - Rp, 16.25.1.5 NMAC, 01-17-2014]

16.25.1.6 OBJECTIVE: To promote, preserve and protect the public health, safety and welfare by regulating the practice of veterinarians, veterinary technicians, bovine artificial insemination technicians, and bovine pregnancy diagnosis technicians; to establish the authority to take action against any licensee or permittee for failure to meet set minimum standards for licensure or permit certification as promulgated by the board; and to inspect and regulate veterinary facilities to further protect the public.
[16.25.1.6 NMAC - Rp, 16.25.1.6 NMAC, 01-17-2014]

16.25.1.7 DEFINITIONS:

A. "Aseptic surgery" means procedures performed under conditions free of pathogenic micro-organisms.

B. "Board" means the New Mexico board of veterinary medicine.

C. "Bovine AI/PD examiner" means the individual the board has designated to prepare and administer the bovine AI and bovine PD examinations and who recommends to the board those individuals who qualify for bovine AI and bovine PD permits.

D. "Bovine artificial insemination (AI) technician" means an individual who has met the requirements for and has been granted by the New Mexico board of veterinary medicine a permit to perform artificial insemination on cattle.

E. "Bovine pregnancy diagnosis (PD) technician" means an individual who has met the requirements for and has been granted by the New Mexico board of veterinary medicine a permit to perform pregnancy diagnosis on cattle.

F. "Clean surgery" means the performance of a surgical operation for the treatment of a condition and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.

G. "Disinfection" means the destruction of pathogenic microorganisms.

H. "Facility" means a building, kennel, mobile practice unit vehicle, animal shelter, pet shop, animal supply store, fixed facility, fixed mobile facility, mobile facility, and vaccination clinic where "the practice of veterinary medicine" including aseptic surgery regularly occurs as defined in NMSA 1978, Section 61-14-2.B (1), (2), and (3), to include regularly scheduled vaccination clinics or any other veterinary services.

(1) "Animal shelter" means a state, city, county, or private facility where a veterinary clinic operates.

(2) "Pet shop" means a store that sells animals and has an operating veterinary clinic.

(3) "Animal supply store" means a store that sells animal supplies and has an operating veterinary clinic.

(4) "Fixed facility" means a building where the practice of veterinary medicine regularly occurs.

(5) "Fixed mobile facility" means the primary place of operation is a fixed building from where mobile services are directed.

(6) "Mobile veterinary practice" means providing a wide range of medical or surgical services in a movable trailer, pickup truck, motor home, or other vehicle designed or modified to function as a veterinary practice facility.

(7) "Vaccination clinic" means vaccinations are administered outside of a house call setting and do not use a mobile vehicle.

I. "Graduate of a non-AVMA accredited school" or "foreign veterinary graduate" means a person who has graduated from a school of veterinary medicine which is not accredited by the American veterinary medical association (AVMA).

J. "Graduate veterinarian" means a person who has a degree of doctor of veterinary medicine or its equivalent.

K. "Infectious waste" means those solid wastes contaminated with organisms which may cause human disease and may reasonably be suspected of harboring human pathogenic organisms or may pose a threat or potential hazard to human health. In terms of veterinary medicine, this includes but is not limited to the following: animal tissue, bedding and other wastes from animals known or suspected to be infected with a pathogen which also causes human disease, provided that prevailing evidence indicates that such tissue, bedding or other waste may act as a vehicle of transmission to humans.

L. "Practice of veterinary medicine" means the diagnosis and treatment of animal diseases by traditional methods which include but are not limited to prescribing drugs and medication, administering techniques and procedures including surgical procedures, and other methods which include but are not limited to chiropractic, physical therapy, acupuncture, acupressure, homeopathy, therapeutic massage, dentistry, and embryo transfer.

M. "Sharps" means any discarded article that may cause punctures or cuts. Such wastes may include but are not limited to needles, scalpel blades, glass slides, glassware, suture needles, and trocars.

N. "Small animal mobile facility" means a trailer or mobile unit established to function as a veterinary site which concentrates in providing veterinary services to common domestic household pets.

O. "Sterilization" means the complete destruction of microorganisms by heat, bactericidal chemical compound, radiation or desiccation.

[16.25.1.7 NMAC - Rp, 16.25.1.7 NMAC, 01-17-2014]

16.25.1.8 MEETINGS:

A. The chairman of the board shall preside at all meetings, preserve order, appoint committees and decide all questions of order subject to appeal to the board. In the absence of the chairman, the vice-chairman or a member of the board shall preside.

B. Examinations shall be administered at a location specified by the board.

[16.25.1.8 NMAC - Rp, 16.25.1.8 NMAC, 01-17-2014]

16.25.1.9 BOARD MEETING TELEPHONIC ATTENDANCE:

A. Pursuant to the provisions of the Open Meetings Act, NMSA 1978, Section 10-15-1(C), as amended, board members may participate in a meeting of the board by means of a conference telephone or similar communications equipment. Telephonic participation may occur only when it is difficult or impossible for the board member to be physically present; that is, when there are circumstances which make attendance in person extremely burdensome.

B. Each board member participating telephonically must be identified when speaking and all participants must be able to hear all other participants.

C. Members of the public attending the meeting must be able to hear all members of the board and members of the public who speak during the meeting.

[16.25.1.9 NMAC - Rp, 16.25.1.9 NMAC, 01-17-2014]

16.25.1.10 EXECUTIVE DIRECTOR:

A. The executive director may be a "licensed veterinarian" or any other person deemed by the board qualified to perform the required duties and responsibilities.

B. The duties and responsibilities of the executive director are those detailed in the job description filed in the personnel files of the New Mexico board of veterinary medicine.

C. The position of executive director is an exempt position.

[16.25.1.10 NMAC - Rp, 16.25.1.10 NMAC, 01-17-2014]

16.25.1.11 INVESTIGATORS AND INSPECTORS:

A. The board hires licensed veterinarians to conduct its investigations of complaints filed with the board and to conduct inspections of veterinary facilities.

B. The duties and responsibilities of the investigator(s) and inspector(s) shall be those detailed in the contracts entered into with the board. The contracts will be maintained in the board office.

[16.25.1.11 NMAC - Rp, 16.25.1.11 NMAC, 01-17-2014]

16.25.1.12 CLASSIFIED EMPLOYEE(S): The duties of the classified employee(s) of this board are those which are detailed in the job description(s) filed with the state personnel office.

[16.25.1.12 NMAC - Rp, 16.25.1.12 NMAC, 01-17-2014]

16.25.1.13 ELECTIONS OF BOARD OFFICERS: The board of veterinary medicine elects a chairman, vice-chairman, and secretary. Elections are held annually. Officers may be re-elected. Any member of the board may serve as an officer.

[16.25.1.13 NMAC - Rp, 16.25.1.13 NMAC, 01-17-2014]

HISTORY OF 16.25.1 NMAC:

Pre-NMAC History:

BVE 93-9, Rules Governing Executive Director, 11-18-1994

History of the Repealed Material:

16 NMAC 25.1, General Provisions - Repealed effective 10-12-2000.

16.25.1 NMAC, General Provisions - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 2 EXAMINATION AND LICENSURE - VETERINARIANS

16.25.2.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine
[16.25.2.1 NMAC - Rp, 16.25.2.1 NMAC, 01-17-2014]

16.25.2.2 SCOPE: Applies to all veterinarians licensed to practice in the state of New Mexico and individuals applying for a license to practice veterinary medicine in the state of New Mexico.
[16.25.2.2 NMAC - Rp, 16.25.2.2 NMAC, 01-17-2014]

16.25.2.3 STATUTORY AUTHORITY: Section 61-14-4; Section 61-14-5; Section 61-14-8; Section 61-14-9; Section 61-14-10; Section 61-14-12; Section 61-14-13; Section 61-14-14 and Section 61-14-15 NMSA 1978.
[16.25.2.3 NMAC - Rp, 16.25.2.3 NMAC, 01-17-2014]

16.25.2.4 DURATION: Permanent.
[16.25.2.4 NMAC - Rp, 16.25.2.4 NMAC, 01-17-2014]

16.25.2.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.2.5 NMAC - Rp, 16.25.2.5 NMAC, 01-17-2014]

16.25.2.6 OBJECTIVE: To set out the requirements for obtaining a license to practice veterinary medicine in the state of New Mexico as defined in Subsection B of Section 61-14-2 NMSA 1978.
[16.25.2.6 NMAC - Rp, 16.25.2.6 NMAC, 01-17-2014]

16.25.2.7 DEFINITIONS: [RESERVED]
[16.25.2.7 NMAC - Rp, 16.25.2.7 NMAC, 01-17-2014]

16.25.2.8 GENERAL ELIGIBILITY FOR LICENSURE: A license to practice veterinary medicine in the state of New Mexico is granted only to an applicant who fulfills all of the requirements specified in this part. The mere filing of an application shall not entitle the applicant to a license to practice veterinary medicine. Each applicant shall have the burden of demonstrating, to the satisfaction of the board of veterinary medicine, that he:

A. has reached the age of majority as recognized by the state of New Mexico;

B. is a person of good moral character, physically and mentally fit to practice veterinary medicine;

C. is in good standing in any other state(s) in which he is, or has been, licensed to practice veterinary medicine. If the applicant has had disciplinary proceedings instituted against him which have resulted in suspension or revocation of a license on any grounds other than nonpayment of a licensee fee, or he has voluntarily surrendered a license to practice veterinary medicine, the board will review the prior action(s) on a case by case basis prior to licensure;

D. is professionally qualified for a license to practice veterinary medicine in the state of New Mexico by taking and passing the written examinations as defined in these rules, except as provided in Section 61-14-10 NMSA 1978;

E. is a graduate veterinarian as defined by Subsection B of Section 61-14-2 NMSA 1978;

F. has not had a United States drug enforcement administration (DEA) license, a state level controlled substances registration, or federal accreditation privileges through the United States department of agriculture (USDA) animal and plant health inspection service (APHIS) restricted or revoked, or surrendered such license or privilege while under investigation or in connection with any disciplinary action or pending disciplinary action. If applicant has had any of these actions taken against him, the board will review such actions on a case by case basis prior to licensure; and

G. understands with regard to any of the above provisions, the final authority to grant a license rests with the board. Determinations will be made on a case by case basis.
[16.25.2.8 NMAC - Rp, 16.25.2.8 NMAC, 01-17-2014]

16.25.2.9 REQUIREMENT THAT A PRACTICING VETERINARIAN BE LICENSED:

A. With only those exemptions specified in Section 61-14-14 NMSA 1978, a graduate veterinarian must be licensed by the board to lawfully practice veterinary medicine in New Mexico as defined in Subsection B of Section 61-14-2 NMSA 1978.

B. Only veterinarians licensed by the state of New Mexico may practice veterinary medicine in New Mexico; working under the supervision of a licensed veterinarian does not waive the requirement to hold a license.

C. The requirement for direct supervision of non-veterinarians who treat animals is described in 16.25.9.20 NMAC.

[16.25.2.9 NMAC - Rp, 16.25.2.9 NMAC, 01-17-2014]

16.25.2.10 BASIC LICENSURE REQUIREMENTS: Except as noted, an applicant for a regular license to practice veterinary medicine in New Mexico must:

A. Submit a completed, signed, and notarized *application for licensure-DVM*. The application must:

(1) be submitted 30 days before the applicant's selected date to take the state examination;

(2) include the application/examination fee; and

(3) have attached a color passport-type head and shoulders photograph of the applicant.

B. Take and pass with a minimum score of seventy-five percent, the New Mexico veterinary licensing examination. Exceptions for endorsement applicants are set out in 16.25.2.10 NMAC.

C. Submit all of the following documents within 12 months after passing the state examination. An applicant who fails to provide required documents within 12 months must reapply for licensure.

(1) notarized copy of the applicant's diploma from a veterinary school accredited by the American veterinary medical association (AVMA). Exception for new graduates is set out in 16.25.2.12 NMAC;

(2) official veterinary school transcript bearing the seal of the institution;

(3) verifications of licensure from any and all state(s) in which the applicant is or has been licensed to practice veterinary medicine;

(4) one personal and one professional recommendation; and

(5) the applicant's scores on the national licensing examination for veterinarians.

(a) New Mexico's national examination score requirements are set out in 16.25. 2.16 NMAC.

(b) Exceptions for endorsement applicants are set out in Subsection B of 16.25.2.11 NMAC

(c) Applicants for a temporary permit shall comply with requirements of Subsection A of 16.25.2.10 NMAC only.

[16.25.2.10 NMAC - Rp, 16.25.2.10 NMAC, 01-17-2014]

16.25.2.11 LICENSURE BY ENDORSEMENT: A veterinarian who has been licensed in another state and has performed at least five years of clinical veterinary practice with at least 6,000 hours immediately preceding application for a New Mexico license, may qualify for licensure by endorsement. A qualified endorsement applicant:

A. Does not need to provide his score from the national licensing examination.

B. May take the jurisprudence examination for the standard endorsement fee at a special time, arranged through the executive director, rather than at one of the board set regularly scheduled examination times.

C. Applicant must report criminal convictions and disciplinary actions taken in all jurisdictions.

[16.25.2.11 NMAC – Rp, 16.25.2.11 NMAC, 01-17-2014; A, 07/01/18]

16.25.2.12 SENIOR STUDENTS AND NEW GRADUATES: If a senior student or new graduate's veterinary school has not yet provided the diploma by the applicant's examination date, a properly authenticated document such as a letter from the veterinary school dean evidencing graduation or impending graduation may temporarily substitute for the diploma. This provision is only for the purpose of taking the examination; the notarized diploma must be provided the soonest time it becomes available. The applicant cannot become licensed until all required documents, including the notarized copy of the diploma and the official transcript are received by the board.

[16.25.2.12 NMAC - Rp, 16.25.2.12 NMAC, 01-17-2014]

16.25.2.13 GRADUATES OF NON-AVMA ACCREDITED VETERINARY SCHOOLS: A graduate of a veterinary school not accredited by the American veterinary medical association (AVMA) must furnish certification of completion of the educational commission for foreign veterinary graduates (ECFVG) program. This

certification is in addition to all other licensing requirements as specified in 16.25.2.10 NMAC. Requirements for graduates of non-AVMA accredited schools are also set out in 16.25.5 NMAC.
[16.25.2.13 NMAC - Rp, 16.25.2.13 NMAC, 01-17-2014]

16.25.2.14 60-DAY TEMPORARY PERMIT:

A. Purpose. The temporary permit, good for a period of no more than 60-calendar days, is intended for experienced, licensed veterinarians who wish to practice in New Mexico for a brief period. The temporary permit is not granted to a new graduate or experienced veterinarian who has not yet taken the state licensing examination or met all other licensing requirements.

B. To qualify for a temporary permit, an applicant must:

(1) be currently licensed in and currently practice in another state, territory, or district of the United States;

(2) be in good standing in all jurisdictions in which he is or has been licensed;

(3) submit the completed, signed, and notarized *application for licensure*-DVM form along with a color passport-type, head and shoulders photograph and the temporary permit fee; and

(4) provide a verification of licensure from the state where the applicant currently practices veterinary medicine and holds licensure.

C. An applicant for a temporary permit does not need to take the state examination or provide national examination scores.

D. A temporary permit may not be renewed within a 12 month period from issuance without approval from the board.
[16.25.2.14 NMAC - Rp, 16.25.2.14 NMAC, 01-17-2014]

16.25.2.15 STATE EXAMINATION:

A. The board sets the state licensing examination for veterinarians on a regularly scheduled basis twice annually at a reduced fee. Applicants who wish to obtain their licenses sooner than the board set examination dates can take the examination at the higher fee of $500. The examination is administered at the board office; arrangements for this type of examination are made with the executive director.

B. The state examination may be taken by senior year veterinary school students as well as graduate veterinarians.

C. The state examination is graded by individuals selected by the board of veterinary medicine. The minimum passing grade for the state examination is seventy-five percent.

D. Applicants will be notified by mail within two weeks after the examination of the results. Grades will be provided to applicants upon request.

E. An applicant who fails the examination can review the examination and his answer sheet at the board office 20 days from receipt of notification of examination results. Prior arrangement will be made with the executive director to designate a time for the review. Only the applicant and a member of the board or executive director may be present. Copying or removing examination questions or answers will result in license denial.

F. An applicant who has failed the state examination must retake it within 30 days. Applicant must pay an additional examination fee of $500 to retake the examination.

G. Limitations. Once the application/examination fee has been submitted to the board it cannot be refunded. The state examination must be taken within one year from date of application submittal.

(1) If an applicant has applied to take the examination on a board set date and is unable to do so, the examination may be rescheduled on one of the subsequent board set dates within one year without reapplication or the payment of an additional fee.

(2) If an applicant has applied to take the examination on a specific date and is unable to do so, the examination may be rescheduled within one year without reapplication or payment of an additional fee.
[16.25.2.15 NMAC - Rp, 16.25.2.16 NMAC, 01-17-2014]

16.25.2.16 NATIONAL EXAMINATION SCORES: The board accepts, as sufficient to meet state requirements, the minimum passing grade for the national examination for veterinarians. This applies whether the applicant has taken the national board examination (NBE) or the North American veterinary licensing examination (NAVLE). In accordance with the national board of veterinary medical examiners (NBVME), candidates shall not be approved to take the North American veterinary licensing examination (NAVLE) more than five times and shall not be allowed to sit for the examination at a date that is later than five years after the initial attempt. Each of the final two attempts must be at least one year from the previous attempt.

[16.25.2.16 NMAC - Rp, 16.25.2.17 NMAC, 01-17-2014; A, 05-08-2016]

16.25.2.17 LICENSE RENEWAL:

A. A veterinarian's license expires and is due for renewal each year on the last day of his birth month.

B. A license is lapsed if the license renewal is not postal postmarked on or before the expiration date. Practicing veterinary medicine with a lapsed license is the same as practicing without a license. Anyone practicing veterinary medicine in New Mexico on a lapsed license is subject to penalties and disciplinary action as provided in Section 61-14-18 NMSA 1978.

C. Licensee shall display at the business location in full view of the public, his original license certificate signed by the board and the current year renewal license. If licensee is providing veterinary services in a relief capacity, current year license renewal must be easily accessible.

[16.25.2.17 NMAC - Rp, 16.25.2.18 NMAC, 01-17-2014]

16.25.2.18 LICENSE REINSTATEMENT: The board has no additional policies beyond what is stated in Section 61-14-12 NMSA 1978.

[16.25.2.18 NMAC - Rp, 16.25.2.19 NMAC, 01-17-2014]

16.25.2.19 EXAMINATION AND LICENSURE FEES: The list of all fees relating to examination, licensure and permit fees is as follows and is posted at the board's web site: www.nmbvm.org.

A. State jurisprudence examination.

(1) bi-annual board set dates, January and May - $300;

(2) applicant selected date - $500; and

(3) licensure by endorsement - $500.

B. License and permit fees.

(1) initial license fee is prorated from date of license issue to last day of licensee's birth month;

(2) annual DVM license renewal - $200;

(3) 60-day temporary permit - $250;

(4) inactive status - $100. Annual continuing education requirement must be fulfilled and reported; and

(5) license reactivation - $150 along with completed application for reactivation and verification of required annual 15 continuing education hours while license in inactive status.

C. Late renewal penalties.

(1) postal postmarked no later than 30 days past expiration date - $100; or

(2) postal postmarked more than 30 days after expiration date - $100 plus $10 per day not to exceed $3000.

D. The board may waive payment of a renewal fee and annual continuing education requirement of a licensee while on active duty with the armed services of the United States. Renewal fee and continuing education requirement will be waived for the duration of licensee's overseas deployment or a declared national emergency. Requests for waivers will be addressed to the executive director of the board of veterinary medicine.

[16.25.2.19 NMAC - Rp, 16.25.2.20 NMAC, 01-17-2014; A, 05-08-2016]

16.25.2.20 ADDRESS CHANGE NOTIFICATION: Throughout his period of licensure, every licensee must notify the board in writing within 30 days of a change of address. *Notice of change of address-DVM, RVT* form is available at the board's web site: www.nmbvm.org.

[16.25.2.20 NMAC - Rp, 16.25.2.21 NMAC, 01-17-2014]

HISTORY OF 16.25.2 NMAC:

Pre-NMAC History:

BVE 75-1, Rules Governing the Examination and Licensing of Veterinarians, 12-5-75.
BVE 79-1, Rules Governing the Examination and Licensing of Veterinarians, 9-21-79.
BVE 88-1, Rules Governing the Examination and Licensing of Veterinarians, 10-14-88.
BVE 92-1, Rules Governing the Examination and Licensing of Veterinarians, 5-22-92.
BVE 93-1, Rules Governing the Examination and Licensing of Veterinarians, 6-3-93.

History of Repealed Material:

16 NMAC 25.2, Examination and Licensure - Repealed effective 7-25-01.
16.25.2 NMAC Examination and Licensure - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 3 PROFESSIONAL CONDUCT

16.25.3.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine
[16.25.3.1 NMAC - Rp, 16.25.3.1 NMAC, 01-17-2014]

16.25.3.2 SCOPE: Applies to all persons licensed to practice veterinary medicine in the state of New Mexico.
[16.25.3.2 NMAC - Rp, 16.25.3.2 NMAC, 01-17-2014]

16.25.3.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-13 and Section 61-14-19.
[16.25.3.3 NMAC - Rp, 16.25.3.3 NMAC, 01-17-2014]

16.25.3.4 DURATION: Permanent.
[16.25.3.4 NMAC - Rp, 16.25.3.4 NMAC, 01-17-2014]

16.25.3.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.3.5 NMAC - Rp, 16.25.3.5 NMAC, 01-17-2014]

16.25.3.6 OBJECTIVE: To govern the professional conduct of any person licensed or permitted by the board to engage in the veterinary profession in the state of New Mexico. Violations of any of these rules are grounds for action against a licensee.
[16.25.3.6 NMAC - Rp, 16.25.3.6 NMAC, 01-17-2014]

16.25.3.7 DEFINITIONS: [RESERVED]
[16.25.3.7 NMAC - Rp, 16.25.3.7 NMAC, 01-17-2014]

16.25.3.8 CONDUCT: All professionals licensed by the board of veterinary medicine are subject to the Veterinary Practice Act and rules promulgated by the board.

A. Violations of the Veterinary Practice Act or rules promulgated by the board are subject to the complaint process as governed by the Uniform Licensing Act. Failure to comply with a board request for records or information pertinent to a complaint investigation will be considered a violation of this rule.

B. Complaints are reviewed by the board on a case by case basis to determine if disciplinary action is necessary. Unprofessional conduct by a licensee in a complaint determined by the board includes but is not limited to noncompliance with terms of a settlement agreement entered into with the board by a licensee to resolve a complaint.

C. A licensee shall not represent conflicting interests except by express consent of all concerned subsequent to a full disclosure of the facts.

D. It is the right of any licensee, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful services.

E. A licensee shall expose, without fear or favor, before the proper tribunal or the New Mexico board of veterinary medicine, corrupt or dishonest conduct in the profession.

F. A veterinarian must decide what professional employment will be accepted and what course of treatment will be followed once employed. The responsibility for advising questionable or unusual treatment rests upon the veterinarian. If a licensee is asked to perform a treatment that is questionable or unusual, the licensee must use his own professional judgment about whether he will perform this treatment.

G. No licensee shall render any service or advice contrary to the law. A veterinarian must also observe and advise clients to observe applicable laws and regulations.

H. A licensee shall not render any service or advice directed toward the corruption of any person or persons exercising a public office or private trust; or the deception or betrayal of the public.

I. In the formation of partnerships, professional associations or any other association for the practice of veterinary medicine, no person shall be held out as a practitioner of veterinary medicine or as a veterinary technician unless licensed to practice in this state. In selection and use of a firm name, no false or misleading name shall be used.

J. The professional services of a veterinarian shall not be controlled or exploited by any lay, personal or corporate agency which intervenes between the client and the veterinarian. A veterinarian's responsibilities and qualifications are individual. A veterinarian's responsibilities for medical judgments shall be directly to the client or authorized agent.

K. Each veterinarian shall display at the business location, in full view of the public, his original license certificate signed by the board along with the current year renewal license. If licensee is providing veterinary services in a relief capacity, the current year renewal license must be easily accessible.

L. Veterinarians shall exercise the same degree of care, skill and diligence in treating patients as are ordinarily used in the same or similar circumstances by reasonably prudent members of the veterinary medical profession in good standing in the state of New Mexico.

M. A licensed veterinarian shall not use or display any unearned certificate, college degree, or title.

N. A licensed veterinarian shall not promote, aid, or abet any illegal or unethical act on the part of any veterinarian or in the practice of veterinary medicine by an unlicensed person except as permitted by the Veterinary Practice Act.

O. A licensed veterinarian in this state shall not issue a certificate of health for an animal unless aware by way of actual inspection and appropriate tests, that said animal meets the requirements for the issuance of such certificate.

P. A licensed veterinarian shall not guarantee a cure. A licensed veterinarian must avoid bold and confident assurances to clients especially where employment may depend upon such assurances.

Q. A licensed veterinarian shall treat all animals entrusted by clients in keeping with the professional standard of humane treatment and care.

R. A licensed veterinarian shall conduct the practice of veterinary medicine on the highest plane of honesty, integrity and fair dealing with clients in time and services rendered, and in the amount charged for service, facilities, appliances and drugs.

S. A licensed veterinarian shall not violate the confidential relationship with his client.

T. The reporting of cruelty or illegal action is not a violation of confidentiality.

U. A licensed veterinarian or veterinary technician shall not use or participate in the use of any form of representation, advertising or solicitation which contains false, deceptive or misleading statement(s) or claim(s). False, deceptive or misleading statements or claims are those which:

(1) advertise or represent that a service or product is free, or similar language, coupled with any required service or product for which a fee is charged;

(2) contains a prediction of future success or guarantee that satisfaction or cure will result from the performance of a professional service;

(3) refer to secret methods of treatment or special services;

(4) concern illegal transactions;

(5) imply that a licensed veterinarian is a specialist unless the veterinarian is a diplomate of an AVMA board certified specialty.

(6) imply that a licensed veterinarian is certified unless he is certified in a nationally recognized specialty whose certification process has been evaluated and approved by the board. The following complementary, alternative or integrative therapies may be considered, but are not limited to:

(a) acupuncture;

(b) acutherapy;

(c) acupressure;

(d) homeopathy;

(e) manual or manipulative therapy i.e, therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy;

(f) massage;

(g) naturopathy;

(h) physical rehabilitation;

(i) nutraceutical therapy;

(j) phytotherapy.

(7) are intended or are likely to create an inflated or unjustified expectation;

(8) contains an expressed or implied material misrepresentation of the fact;

(9) fail to state any material fact necessary to make the statement or claim not misleading in the circumstances under which it is made;

(10) would result in the violation of any law or regulation or a contractual or other obligation of any person with whom the licensed veterinarian seeks to communicate;

(11) contain a representation or implication that is likely to cause an ordinary prudent layperson to misunderstand or be deceived, or fail to contain reasonable warnings or disclaimers necessary to make a representation or implication not deceptive;

(12) relate to professional fees other than:

(a) the fixed fee charged for a specific professional service provided that the description of such service would not be deceptive and that the statement indicates whether additional fees may be required in individual cases; or

(b) the range of fees for specifically described professional services provided there is reasonable disclosure of all relevant and variable considerations affecting the fees, so that the statement would not be misunderstood or be deceptive including without limitation, an indication whether additional fees may be incurred for related professional services which may be required in individual cases.

V. A licensed veterinarian or veterinary technician shall not use or display any college degree, certificate or title granted by any institution not approved by the New Mexico board of veterinary medicine.

W. A licensed veterinarian shall not use present or past position(s) or office(s) of trust deliberately to create any individual professional advantage, or to coerce or deceive the public.

X. All licensed professionals are subject to the Veterinary Practice Act and rules promulgated by the board.

Y. Violations of the Veterinary Practice Act or rules promulgated by the board are subject to the complaint process as governed by the Uniform Licensing Act.

Z. The licensee is required to abide by all statutes and rules of any board, commission, and agency including county or city ordinances governing any aspect of the practice of veterinary medicine.

AA. Dishonesty in the practice of veterinary medicine is prohibited.

BB. Habitual or excessive use of intoxicants or drugs is prohibited.

CC. The use of any controlled or legend drug or substance on any animal for the purpose of illegally influencing the outcome of a competitive event is prohibited.

DD. Failure to maintain required radiological records 20.3.1.108 NMAC or controlled substance logs and medical records is prohibited.

EE. Failure to report as required by law or making a false report of any contagious or infectious disease is prohibited.

FF. Unfair or deceptive practices in the conduct of the profession are prohibited.

GG. Violation of the Veterinary Practice Act or of any rule adopted by the board is prohibited. See Uniform Licensing Act.

HH. Failure of a licensed veterinarian or facility to refer a client, upon the client's request, to another licensed veterinarian is prohibited.

[16.25.3.8 NMAC - Rp, 16.25.3.8 NMAC, 01-17-2014; A, 05-08-2016]

HISTORY OF 16.25.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

BVE Rule No. 75-2, Rules Governing the Professional Conduct of Veterinarians, 12-5-75.
BVE Rule No. 75-2, Pertaining to the Rules Governing the Professional Conduct of Veterinarians, 4-7-78.
BVE Rule 79-2, Rules Governing the Professional Conduct of Veterinarians, 9-21-79.
BVE Rule 82-1, Rules Governing the Professional Conduct of Veterinarians, 3-2-82.
BVE 88-2, Rules Governing the Professional Conduct of Veterinarians, 10-14-88.
BVE 92-2, Rules Governing the Professional Conduct of Veterinarians, 5-22-92.
BVE 92-2, Rules Governing the Professional Conduct of Veterinarians, 6-3-93.

History of Repealed Material:

16 NMAC 25.3, Professional Conduct – Repealed effective, 07/03/93.
16.25.3 NMAC, Professional Conduct - Repealed effective, 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 4 CONTINUING EDUCATION REQUIREMENTS -VETERINARIANS

16.25.4.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine
[16.25.4.1 NMAC - Rp, 16.25.4.1 NMAC, 01-17-2014]

16.25.4.2 SCOPE: Applies to all veterinarians licensed to practice in the [State] state of New Mexico.
[16.25.4.2 NMAC - Rp, 16.25.4.2 NMAC, 01-17-2014]

16.25.4.3 STATUTORY AUTHORITY: NMSA 1978, Sections 61-14-5(F) and (I) and 61-14-12.
[16.25.4.3 NMAC - Rp, 16.25.4.3 NMAC, 01-17-2014]

16.25.4.4 DURATION: Permanent.
[16.25.4.4 NMAC - Rp, 16.25.4.4 NMAC, 01-17-2014]

16.25.4.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.4.5 NMAC - Rp, 16.25.4.5 NMAC, 01-17-2014]

16.25.4.6 OBJECTIVE: To establish requirements for continuing education (CE) necessary for veterinary license annual renewal.
[16.25.4.6 NMAC - Rp, 16.25.4.6 NMAC, 01-17-2014]

16.25.4.7 DEFINITIONS: [RESERVED]
[16.25.4.7 NMAC - Rp, 16.25.4.7 NMAC, 01-17-2014]

16.25.4.8 GENERAL REQUIREMENTS:

A. Each veterinarian licensed to practice in New Mexico must obtain, each year of licensure, a total of 15 instructional hours derived from seminars, short courses, or scientific programs approved by the registry of approved CE (RACE), AVMA, or by the board; or sponsored by a veterinary medical association, organization, or university.

(1) In general, CE must be in the form of contact hours. Credit for non-contact forms of instruction, including online training or articles in printed professional periodicals, is accepted. Non-contact hours may comprise no more than half of the annual requirement of 15 CE hours.

(2) Instruction in aspects of facility management, records management or the complaint process may count for credit. These hours may comprise no more than five CE credit hours per year.

(3) Instruction in alternative, non-western medicine must be specifically applicable to veterinary medicine and approved by RACE, AVMA, or sponsored by a veterinary organization or university, or by the board. CE credit cannot exceed 75% or 11.25 of the 15.00 instructional hours required annually.

B. There are no exceptions for age, retirees or other non-practicing veterinarians who want to maintain their New Mexico license. Pursuant to NMSA 1978, Section 61-14-12(E) the board may provide a waiver of the CE requirement to a licensed veterinarian during any period when he is on active duty with any branch of the armed services of the United States or for the duration of a national emergency.

C. CE hours are accumulated on an annual basis for the 12 months preceding individual veterinarian's license expiration date.

D. A new licensee must comply with the continuing education requirement beginning the next full licensing year after the licensee receives his initial New Mexico license.

E. A maximum of 15 credit hours may be accrued as excess and carried forward to the next licensing year.

F. The month before a veterinarian's annual license renewal is due, a license renewal form will be provided on which the veterinarian must record the CE taken during the previous licensing year.

G. The burden of proving the validity of the reported CE hours lies solely with the licensed veterinarian reporting. The board may conduct audits on CE reporting; photocopies of seminar registrations or completion certificates shall be submitted by the licensee upon request.

H. Beginning with the effective date of this part, each licensee should retain proof of his CE completion for a minimum of four years.

[16.25.4.8 NMAC - Rp, 16.25.4.8 NMAC, 01-17-2014]

16.25.4.9 CONTINUING EDUCATION REQUESTS: A licensee in doubt about whether a particular course, class, or seminar will be approved for credit may submit to the board, in writing, a course description with course outline and the number of contact hours. The *approval request* form is available at the board's web site or by calling the board office. The board will make a determination at its next meeting.
[16.25.4.9 NMAC - Rp, 16.25.4.9 NMAC, 01-17-2014]

16.25.4.10 CONTINUING EDUCATION EXTENSIONS:

A. The board may grant an extension of time to complete the annual CE requirement for a given licensing year upon licensee's written request.

(1) A licensee who is granted a CE extension must obtain the CE hours lacking within six months following the licensee's birth month to avoid being placed on suspended status. During the suspension period, the licensee may not lawfully practice veterinary medicine in New Mexico.

(2) A licensee may be granted only two consecutive CE extensions i.e. for two separate licensing years and a maximum of four extensions during his entire career practicing veterinary medicine in New Mexico.

B. The board does not automatically grant requests for CE extensions.

(1) The licensee's request must be in the form of a letter stating the reason the required CE cannot be completed for the year.

(2) A licensee's first request for a CE extension may be approved administratively by the executive director, assuming the licensee is in good standing with the board.

(3) All CE extension requests are presented at the next board meeting for the board's determination. CE extension requests approved by the executive director, as described in (2) above, are presented for board confirmation at the next board meeting.

(4) Should a licensee fail to meet the CE requirement when applying for license renewal and does not request an extension, his name shall be presented at the next board meeting for the board's determination of possible disciplinary action.

C. In cases of extreme hardship involving physical health or family crisis concerns, special consideration for CE may be granted by the board on the merits of the individual case.
[16.25.4.10 NMAC - Rp, 16.25.4.10 NMAC, 01-17-2014]

HISTORY OF 16.25.4 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
BVE 78-1, Pertaining to Continuing Education Requirements for Relicensure, filed 1-20-78.
BVE 79-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, filed 9-21-79.
BVE 88-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, filed 10-14-88.
BVE 92-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, filed 5-22-92.
BVE 93-3, Rules Governing Continuing Education Requirements for Veterinary Relicensure, filed 6-3-93.

History of the Repealed Material:
16 NMAC 25.4, Continued Education Requirements, filed 5-17-96 - Repealed effective 9-1-00.
16.25.4 NMAC, Continuing Education Requirements for Veterinarians, filed 8-2-00 - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICAL PRACTITIONERS
PART 5 GRADUATES OF NON-AVMA ACCREDITED VETERINARY SCHOOLS AND GRADUATES OF FOREIGN VETERINARY SCHOOLS

16.25.5.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.25.5.1 NMAC - Rp, 16.25.5.1 NMAC, 01-17-2014]

16.25.5.2 SCOPE: All veterinarians licensed to practice in the state of New Mexico and all graduates of non-AVMA accredited schools who are applying for a license to practice veterinary medicine in the state of New Mexico.
[16.25.5.2 NMAC - Rp, 16.25.5.2 NMAC, 01-17-2014]

16.25.5.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-5.
[16.25.5.3 NMAC - Rp, 16.25.5.3 NMAC, 01-17-2014]

16.25.5.4 DURATION: Permanent.
[16.25.5.4 NMAC - Rp, 16.25.5.4 NMAC, 01-17-2014]

16.25.5.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.5.5 NMAC - Rp, 16.25.5.5 NMAC, 01-17-2014]

16.25.5.6 OBJECTIVE: To outline requirements in addition to 16.25.2 NMAC for the graduate of a veterinary school not accredited by the American veterinary medical association (AVMA).
[16.25.5.6 NMAC - Rp, 16.25.5.6 NMAC, 01-17-2014]

16.25.5.7 DEFINITIONS: [RESERVED]
[16.25.5.7 NMAC - Rp, 16.25.5.7 NMAC, 01-17-2014]

16.25.5.8 REQUIREMENTS FOR LICENSURE:

A. To obtain a license to practice veterinary medicine in the state of New Mexico, a graduate of a non-AVMA accredited veterinary school must complete certification by the educational commission for foreign veterinary graduates (ECFVG) program administered by the American veterinary medical association prior to examination by the New Mexico board of veterinary medicine.

B. A foreign veterinary graduate must meet all other requirements for licensure in New Mexico, as specified in 16.25.2 NMAC.
[16.25.5.8 NMAC - Rp, 16.25.5.8 NMAC, 01-17-2014]

HISTORY OF 16.21.5 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
BVE 78-2, Pertaining to Foreign Veterinary Graduate Internship, filed 1-20-78
BVE 79-4, Rules Governing Foreign Veterinary Graduate Internship, filed 9-21-79.
BVE 88-4, Rules Governing Foreign Veterinary Graduate Internship, filed 10-14-98.
BVE 92-4, Rules Governing Foreign Veterinary Graduate Internship, filed 5-22-92.
BVE 93-4, Rules Governing Foreign Veterinary Graduates, filed 6-3-93.

History of the Repealed Material:
16 NMAC 25.5, Foreign Graduates, filed 5-17-96 - Repealed effective 10-12-00.
16.25.5 NMAC, Graduates of Non-VMA-Accredited Veterinary Schools (Foreign Graduates) filed 10-12-00 - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 6 VETERINARY TECHNICIANS

16.25.6.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.25.6.1 NMAC - Rp, 16.25.6.1 NMAC, 01-17-2014]

16.25.6.2 SCOPE: These rules apply to all registered veterinary technicians licensed in the state of New Mexico.
[16.25.6.2 NMAC - Rp, 16.25.6.2 NMAC, 01-17-2014]

16.25.6.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-5, Section 61-14-6, Section 61-14-7, Section 61-14-12, and Section 61-14-16.
[16.25.6.3 NMAC - Rp, 16.25.6.3 NMAC, 01-17-2014]

16.25.6.4 DURATION: Permanent.
[16.25.6.4 NMAC - Rp, 16.25.6.4 NMAC, 01-17-2014]

16.25.6.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.6.5 NMAC - Rp, 16.25.6.5 NMAC, 01-17-2014]

16.25.6.6 OBJECTIVE: To establish requirements for registered veterinary technicians.
[16.25.6.6 NMAC - Rp, 16.25.6.6 NMAC, 01-17-2014]

16.25.6.7 DEFINITIONS: [RESERVED]
[16.25.6.7 NMAC - Rp, 16.25.6.7 NMAC, 01-17-2014]

16.25.6.8 RULES GOVERNING REGISTERED VETERINARY TECHNICIANS:

A. To perform the duties of a registered veterinary technician in New Mexico and receive a license issued by the board of veterinary medicine, an applicant must meet all the requirements set forth in these rules. The following documents are required:

(1) a completed, signed and notarized *application for licensure-RVT* form;

(2) the examination fee; and

(3) a color passport-type head and shoulders photograph of the applicant.

B. Prior to the applicant taking the required examinations, the application will be reviewed to determine if the applicant has satisfactorily met the board's requirements.

(1) The applicant's file must be complete before a license will be issued. If the required documents and information are not provided within one year of board examination, the applicant must reapply for licensure. In addition to (1), (2) and (3) above, the following documents are required:

(a) notarized copy of diploma;

(b) final transcripts from an accredited veterinary technician program; and

(c) verifications of licensure from another state(s) or country(ies) in which applicant is or has been licensed;

(2) pass all examinations required by the board;

(3) meet one of the following requirements:

(a) the applicant is a graduate veterinary technician or a senior student of a two year or longer program accredited by the American veterinary medical association; or

(b) the applicant has a current valid permit or license from another state(s) or country(ies) with similar requirements to New Mexico, as approved by the board.

[16.25.6.8 NMAC - Rp, 16.25.6.8 NMAC, 01-17-2014]

16.25.6.9 EXAMINATIONS:

A. Examinations shall be held as specified by the board of veterinary medicine.

(1) Applicants must pass the American association of state veterinary boards (AAVSB) veterinary technician national examination (VTNE) administered by the professional examination service (PES) with the passing grade established by PES.

(2) Prior to taking the VTNE, applicant must apply for sponsorship by the board. The list of all fees relating to examinations is set out at Subsection C of 16.25.6.9 NMAC and is posted at the board's web site at www.nmbvm.org. In addition, the applicant must take and pass with a minimum score of 75%, the New Mexico veterinary technician licensing examination.

B. No application shall be acted upon until the examination fee is received by the executive director of the board of veterinary medicine. If the board deems an applicant ineligible for examination, fees will not be refunded.

C. The list of fees relating to examinations is as follows and is posted at the board's web site: www.nmbvm.org.

(1) state jurisprudence examination:

(a) board set dates, January and May - $75; or

(b) date selected by applicant - $100;

(2) VTNE: board sponsorship - $50.

D. Limitations:

(1) Once the fees have been submitted to the board, the fees cannot be refunded.

(2) An applicant has a one year time limit within which to take the state examination.

E. Any applicant requesting an examination or re-examination by the board, other than board-set examinations, shall submit the application for review by the board. If the board determines that there is sufficient justification for administering a special examination, the expense of such special examination shall be borne by the applicant requesting the examination.

F. An applicant failing the examination may retake the entire examination at a scheduled time and will be charged the full examination fee.

G. The executive director will notify candidates of the examination results within 30 days of the date of the examination.

[16.25.6.9 NMAC - Rp, 16.25.6.9 NMAC, 01-17-2014]

16.25.6.10 RENEWAL OF LICENSE: A list of all fees relating to renewal of a registered veterinary technician license is listed at Subsection D of 16.25.6.10 NMAC and at the board's web site: www.nmbvm.org.

A. A veterinary technician's license expires and is due for renewal each year on the last day of December. If a registered veterinary technician's license lapses and is not renewed within five years, they must reapply, retake and pass the examination before they can obtain licensure, NMSA 1978, Section 61-14-12.

B. A registered veterinary technician license is lapsed if the license renewal is not postal postmarked on or before the December 31 expiration date.

C. Registered veterinary technicians shall display at the business location, in full view of the public, the current year license renewal certificate.

D. License fees:

(1) initial license fee is prorated from date of license issue to last day of December;

(2) annual renewal fee - $75;

(3) inactive status - $37.50. Annual continuing education requirement must be fulfilled and reported;

(4) license reactivation - $50 along with completed application for reactivation and verification of required annual 8.00 continuing education hours while license in inactive status; and

(5) late renewal penalties:

(a) postal postmarked no later than 30 days after December 31 expiration date - $25; or

(b) postal postmarked more than 30 days after December 31 expiration date - $25 plus $5 per day not to exceed $300.

E. Continuing education.

(1) Each registered veterinary technician licensed to practice in New Mexico must certify that he has completed at least eight hours of approved continuing education during the preceding year. The hours will be derived from seminars, short courses, or scientific programs approved by RACE, AVMA, NAVTA, or sponsored by a veterinary medical association, veterinary organization, university, or by the board. There will be no exemptions for age or retirement.

(2) A waiver of delinquent hours may be granted by the board if a request is made in writing. The hours must be made up in the next calendar year and is in addition to the current year annual CE requirement.

(3) Continuing education hours will be accumulated on an annual basis from January through December.

(4) A maximum of eight credit hours may be accrued as excess and carried forward to the subsequent licensing year.

(5) A form to be completed by the registered veterinary technician at the time of annual renewal will be provided by the board of veterinary medicine.

(6) The burden of proving the validity of the reported hours lies solely with the registered veterinary technician.

(7) A new licensee must comply with the continuing education requirement beginning the next full licensure year after graduation.

(8) In general, CE must be in the form of contact hours. Credit for non-contact forms of instruction including online training or articles in printed periodicals is accepted, if the instruction:

(a) is designed for veterinary technicians; and

(b) non-contact hours do not comprise more than half of the annual requirement of eight CE hours.

[16.25.6.10 NMAC - Rp, 16.25.6.10 NMAC, 01-17-2014; A, 05-08-2016]

16.25.6.11 ADDRESS CHANGE NOTIFICATION: Throughout his period of licensure, every board licensee must notify the board in writing within 30 days of any change of address. A *change of address* form is available at the board's web site. All correspondence will be addressed to the executive director of the New Mexico board of veterinary medicine.

[16.25.6.11 NMAC - N, 01-17-2014]

16.25.6.12 SUPERVISION OF REGISTERED VETERINARY TECHNICIANS:

A. A registered veterinary technician's professional activities must be under the supervision and direction of a licensed or license-exempt veterinarian.

(1) Direct supervision: Treatment of animals at the direction, order or prescription of a licensed veterinarian who is available on the premises and has established a valid veterinarian-client-patient relationship. NMSA 1978, Section 61-14-2(I).

(2) Indirect supervision: Treatment of animals when a licensed veterinarian is not physically present at the location but has given written or oral instructions for treatment of the animal; the animal has been examined by veterinarian at such times as good veterinary medical practice requires consistent with the particular delegated veterinary care task; and the animal is not anesthetized.

(3) The following life-saving aid and procedures a registered veterinary technician may perform under prior approval of the licensed veterinarian in the absence of direct supervision includes:

(a) application of tourniquet or pressure bandages to control hemorrhages;

(b) administration of pharmacological agents to prevent or control shock, including parenteral fluids, and shall only be continued after direct communication with a licensed or license exempt veterinarian.

(c) resuscitative oxygen procedures;

(d) establishing open airways including intubations but excluding surgery;

(e) external cardiac resuscitation;

(f) application of temporary splints or bandages to prevent further injury to bones or soft tissues;

(g) application of wound dressings and external supportive treatment in severe burn cases; and

(h) external supportive treatment in heat prostration or hypothermal cases.

[16.25.6.12 NMAC - Rp, 16.25.6.11 NMAC, 01-17-2014]

HISTORY OF 16.25.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

BVE Rule No. 75-2, Rules Governing the Professional Conduct of Veterinarians, filed 12-5-75.

BVE Rule No. 76-1, Rules Governing Veterinary Technicians, filed 3-5-76.

BVE Rule No. 76-1, Amendment No. 1, (BVE Rule No. 78-1) Pertaining to Veterinary Technician Emergency Care, filed 10-30-78.

BVE Rule 79-5, Rules Governing Veterinary Technicians, filed 9-21-79.
BVE 88-5, Rules Governing Veterinary Technicians, filed 10-14-88.
BVE 92-5, Rules Governing Veterinary Technicians, filed 5-22-92.
BVE 93-5, Rules Governing Veterinary Technicians, filed 6-3-93.
History of Repealed Material: 16.25.6 NMAC, Veterinary Technicians, filed 3-15-04 - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 7 FACILITY LICENSES

16.25.7.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.25.7.1 NMAC - Rp, 16.25.7.1 NMAC, 01-17-2014]

16.25.7.2 SCOPE: Applies to all veterinary facilities in the state of New Mexico where, or out of which, veterinary medicine, dentistry, and surgery are practiced.
[16.25.7.2 NMAC - Rp, 16.25.7.2 NMAC, 01-17-2014]

16.25.7.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-5(F) and (J).
[16.25.7.3 NMAC - Rp, 16 25.7.3 NMAC, 01-17-2014]

16.25.7.4 DURATION: Permanent.
[16.25.7.4 NMAC - Rp, 16.25.7.4 NMAC, 01-17-2014]

16.25.7.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.7.5 NMAC - Rp, 16.25.7.5 NMAC, 01-17-2014]

16.25.7.6 OBJECTIVE: To establish requirements for the licensing of veterinary facilities.
[16.25.7.6 NMAC - Rp, 16.25.7.6 NMAC, 01-17-2014]

16.25.7.7 DEFINITIONS: [RESERVED]
[16.25.7.7 NMAC - Rp, 16.25.7.7 NMAC, 01-17-2014]

16.25.7.8 FACILITY LICENSE REQUIREMENTS:

A. General Requirements.

Every facility in New Mexico where the practice of veterinary medicine as defined in NMSA 1978, Section 61-14-2, regularly occurs must possess a facility license issued by the board of veterinary medicine.

(1) Failure to comply with this section may result in disciplinary action by the board.

(2) All facility licenses expire, and renewals are due, September 30 of each year.

(3) A facility license cannot be issued without a physical facility.

(4) Licensee manager must maintain New Mexico board of veterinary medicine minimum standards.

(5) A consulting veterinarian who provides consulting services only, (with no hands on practice whatsoever) does not need a facility license.

(6) A licensed veterinarian practicing in New Mexico under a 60-day temporary permit issued by the board does not need a facility license.

(7) A veterinarian working under the jurisdiction of another DVM or licensee manager is not required to hold a facility license.

B. One facility license independent of type of facility must be maintained for medical records and drug storage.

C. Licensee manager or responsible DVM. Each application for a facility license shall name the facility, facility owner, and licensee manager or responsible DVM and shall include the licensee manager's original signature.

(1) A facility owned by anyone other than a veterinarian currently licensed to practice in New Mexico must have a New Mexico licensed veterinarian as the licensee manager or responsible DVM who will take full responsibility for maintaining minimum standards as stated in board promulgated rules. The responsibility shall include record keeping, controlled substances, and quality of care at the facility.

(2) The licensee manager or responsible DVM is the official holder of the facility's license.

(3) A facility's licensee manager or responsible DVM must be:

(a) the individual who oversees veterinary services at a facility currently in operation; and

(b) present at the facility often enough to have knowledge of and control over the facility's methods for complying with minimum standards and the degree to which the minimum standards are being met.

D. When it is determined that the owner, licensee manager or responsible DVM, or facility has violated any provisions of the Veterinary Practice Act or is in violation of the rules promulgated by the board, the board may take disciplinary action as provided by the Veterinary Practice Act.
[16.25.7.8 NMAC - Rp, 16.25.7.8 NMAC, 01-17-2014]

16.25.7.9 LICENSE FEES: A current list of fees relating to licensure of facilities is also posted at the board's web site: www.nmbvm.org.

A. Fees shall include but may not be limited to the following:
(1) initial facility license - $125;
(2) annual license renewal - $125; and
(3) late renewal penalties:
(a) postal postmarked after September 30 but no later than October 30 - $50;
(b) postal postmarked after October 30 - $125; and
(c) administrative penalties as may be determined by the board.

B. The names of facilities with license renewals more than 30 days overdue are presented to the board at the next regular board meeting for possible disciplinary action by the board.
[16.25.7.9 NMAC - Rp, 16.25.7.9 NMAC, 01-17-2014]

16.25.7.10 FACILITY INSPECTIONS:

A. Regular facility inspections. Each licensed veterinary facility is inspected by the facility inspector every other calendar year or at a frequency determined by the board. The board conducts regular facility inspections to:

(1) ensure that every licensed veterinary facility in New Mexico is operating according to the minimum standards promulgated by the board of veterinary medicine;

(2) assist facilities in achieving and maintaining minimum standards and to encourage the continuous improvement of quality of services;

B. Corrective actions.

(1) Plan of correction. When the facility inspector determines that a licensed facility must make corrections to comply with minimum standards, the facility inspector has authority from the board to:

(a) request the facility's licensee manager or responsible DVM submit a written plan of correction to facility inspector within a specified time frame; and

(b) follow up to ensure that an appropriate plan of correction is submitted and that minimum standards are maintained.

(c) the board will begin the procedures set out in the Uniform Licensing Act to issue a notice of contemplated action if a facility remains non-compliant after two notifications from the facility inspector. Such board action may result in revocation or suspension of licensure to practice in the state.

(2) Re-inspections and consultation. For very serious and chronic violations of the minimum standards, the facility inspector shall present those facilities to the board to determine a formal plan of action which may require mandatory re-inspections.

(a) For each mandatory re-inspection, the board may charge an administrative fee of $500.

(b) For mandatory, individualized training other than initial training provided at the time of the inspection when violations are found, the board may charge the facility a consulting fee of $50 per hour for additional consultation not to exceed $500. On a case by case basis, the board may grant credit hours toward the regular annual continuing education (CE) requirement to the licensee manager and any other licensed associates for these types of consultations.

(3) The board mandates re-inspections and individualized training, with corresponding fees, only in cases of very serious or continued violations not for new facilities undergoing their initial inspections.

C. Voluntary consultation.

(1) Upon request, the facility inspector provides an initial professional courtesy inspection to assist a new facility or new licensee manager in setting up a clinic.

(2) A facility's licensee manager may arrange for longer term, more intensive training, consultation, or assistance by the facility inspector relating to specific areas of clinic operations, record keeping or handling of controlled substances, etc., for a fee of $50 per hour not to exceed $500. Arrangements shall be approved by the board and coordinated through the board's executive director; and

(3) On a case by case basis, the board may grant credit hours toward the regular annual CE requirement to the clinic's licensee manager and any other licensed associates for voluntary consultations.

[16.25.7.10 NMAC - Rp, 16.25.7.10 NMAC, 01-17-2014]

HISTORY OF 16.25.7 NMAC:
Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
BVE 92-7, Rules Governing Veterinary Facilities, filed 5-22-92.
BVE 93-7, Rules Governing Veterinary Facilities, filed 6-3-93.

History of Repealed Material:
16 NMAC 25.7, Facilities, filed 5-17-96 - Repealed effective 9-1-00.
16.25.7 NMAC, Facility Licenses, filed 8-2-00 - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 8 BOVINE ARTIFICIAL INSEMINATION AND PREGNANCY DIAGNOSIS TECHNICIANS

16.25.8.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.25.8.1 NMAC - Rp, 16.25.8.1 NMAC, 01-17-2014]

16.25.8.2 SCOPE: Applies to all bovine artificial insemination and pregnancy diagnosis technicians.
[16.25.8.2 NMAC - Rp, 16.25.8.2 NMAC, 01-17-2014]

16.25.8.3 STATUTORY AUTHORITY: Section 61-14-5 NMSA 1978.
[16.25.8.3 NMAC - Rp, 16.25.8.3 NMAC, 01-17-2014]

16.25.8.4 DURATION: Permanent.
[16.25.8.4 NMAC - Rp, 16.25.8.4 NMAC, 01-17-2014]

16.25.8.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.8.5 NMAC - Rp, 16.25.8.5 NMAC, 01-17-2014]

16.25.8.6 OBJECTIVE: To govern instruction, examinations and issuing of permits for bovine artificial insemination and pregnancy diagnosis.
[16.25.8.6 NMAC - Rp, 16.25.8.6 NMAC, 01-17-2014]

16.25.8.7 DEFINITIONS: [RESERVED]
[16.25.8.7 NMAC - Rp, 16.25.8.7 NMAC, 01-17-2014]

16.25.8.8 PERMIT REQUIREMENT: Any person who provides bovine artificial insemination (AI) and bovine pregnancy diagnosis (PD) services for compensation must possess a permit from the board for each type of service.

A. Bovine AI and bovine PD permits are separate. An applicant may obtain a bovine AI permit, a bovine PD permit, or both.

B. The bovine AI and PD permit year is January 1 through December 31 and renewals are issued annually expiring on December 31 of each year.
[16.25.8.8 NMAC - Rp, 16.25.8.8 NMAC, 01-17-2014]

16.25.8.9 INSTRUCTION, EXAMINATIONS, AND LICENSING:

A. To obtain a bovine AI and bovine PD permit, an applicant must:

(1) Complete bovine AI and bovine PD instruction given by the bovine AI and PD examiner or through another institution approved by the board. To request board approval for a particular bovine AI and PD course of instruction, an applicant must provide to the board a course outline or description, including number of instructional contact hours and sponsoring group or organization. At its next meeting, the board will make its determination whether the instruction or course is adequate and if approval will be granted.

(2) Pass bovine AI and PD written and proficiency examinations prepared and administered by the board or its appointed agent(s). The purpose of the examination(s) is to determine the knowledge and proficiency of each applicant.

(3) Be recommended by the board appointed examiner as qualified for the bovine AI and PD permit(s).

B. Upon the examiner's recommendation, the board may issue a bovine AI and bovine PD permit.

C. Each bovine AI and PD permit applicant has one year in which to apply to the board for a permit after passing the proficiency examination(s). If the applicant does not apply for a permit within one year, applicant must retake the appropriate examination(s).

D. Fees:

(1) Fees for instruction are paid directly to the instructor or institution that provides the instruction.

(2) Fees for the proficiency examinations are paid directly to the board appointed examiner.

(3) Fees for initial bovine AI and PD permits and annual renewals are paid to the board. A current list of fees relating to bovine artificial insemination and bovine pregnancy diagnosis permits is also posted at the board's web site: www.nmbvm.org.

(a) Initial permit: each permit, bovine AI or bovine PD - $75.

(b) Annual permit renewal: each permit, bovine AI or bovine PD - $75.

(c) Late-renewal penalty fees:

(i) postal postmarked after December 31 but no later than January 31 - $50; or

(ii) postal postmarked after January 31 - $75.

[16.25.8.9 NMAC - A, 16.25.8.9 NMAC; A, 07-01-2018]

16.25.8.10 PERMIT RENEWAL:

A. To renew a Bovine AI and PD permit, a technician must submit letters of recommendation from two clients who have used the applicant's services within the last 12 months. The letters of recommendation shall attest to applicant's proficiency and endorse applicant's application for renewal. If two client endorsements are not available, taking and passing the board administered proficiency examination will be sufficient.

B. Bovine AI and PD technicians are not required to accrue continuing education hours.

C. Before the December 31 renewal date, the board office provides bovine AI and PD technicians a renewal form to be completed and returned with the renewal fee.

D. If a bovine AI and PD technician permit lapses and is not renewed within one year, the applicant must re-take and pass the examination(s) before the technician can obtain a new permit.

[16.25.8.10 NMAC - Rp, 16.25.8.10 NMAC, 01-17-2014; A, 07-01-2018]

16.25.8.11 DISPLAY OF PERMIT: A bovine AI and PD technician shall have displayed at locations where bovine AI and bovine PD services are performed, the original New Mexico bovine AI and bovine PD certificate(s) and the current year permit renewal certificate(s).

[16.25.8.11 NMAC - Rp, 16.25.8.11 NMAC, 01-17-2014]

HISTORY OF 16.25.8 NMAC:

Pre-NMAC History:

BVE 79-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 9-21-79.
BVE 88-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 10-14-88.
BVE 92-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 5-22-92.
BVE 93-6, Rules Governing Artificial Insemination and Pregnancy Diagnosis Permits, 6-3-93.

History of the Repealed Material:

16 NMAC 25.8, Artificial Insemination and Pregnancy Diagnosis - Repealed, 10-12-00.
16.25.8 NMAC, Bovine Artificial Insemination and Pregnancy Diagnosis - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 9 MINIMUM STANDARDS

16.25.9.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.25.9.1 NMAC - Rp 16.25.9.1 NMAC, 01-17-2014]

16.25.9.2 SCOPE: Applies to all veterinary facilities operating in the state of New Mexico where the practice of veterinary medicine regularly occurs. NMSA 1978, Section 61-14-2(B).
[16.25.9.2 NMAC - Rp 16.25.9.2 NMAC, 01-17-2014]

16.25.9.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-5(F) and (J); Section 61-14-13.
[16.25.9.3 NMAC - Rp 16.25.9.3 NMAC, 01-17-2014]

16.25.9.4 DURATION: Permanent.
[16.25.9.4 NMAC - Rp 16.25.9.4 NMAC, 01-17-2014]

16.25.9.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.9.5 NMAC - Rp 16.25.9.5 NMAC, 01-17-2014]

16.25.9.6 OBJECTIVE: To govern minimum standards for the practice of veterinary medicine.
[16.25.9.6 NMAC - Rp 16.25.9.6 NMAC, 01-17-2014]

16.25.9.7 DEFINITIONS: [RESERVED]
[16.25.9.7 NMAC - Rp 16.25.9.7 NMAC, 01-17-2014]

16.25.9.8 GENERAL STANDARDS:

A. The delivery of veterinary care shall be provided in a competent and humane manner.

B. Veterinary medicine shall be performed in a manner compatible with current veterinary medical practice.

C. A valid veterinarian-client-patient relationship (VCPR) must be established when delivering veterinary care. See VCPR as defined by the New Mexico Veterinary Practice Act 61-14-2-J (1), (2), (3), and (4).

(1) A VCPR cannot be established by telephonic, computer, internet or other electronic communications; however, a New Mexico-licensed veterinarian may provide or arrange for consulting services for their clients using the described electronic communication methods.

(2) The veterinarian writing a veterinary food directive (VFD) order for premises in New Mexico must be a New Mexico-licensed veterinarian and present on the premises within the six (6) months preceding the issuance of the order. All elements of the federal rules to issue a VFD order must be met and the issuing veterinarian must provide supporting documentation of the visit to the premises including medical records within fourteen (14) days of a request from the board to provide such documentation.

D. The board of veterinary medicine shall require periodic inspections of all veterinary facilities to monitor compliance with these standards.

(1) Standards depend upon the nature, scope, and limitations of the practice as defined by the practice manager and approved by the board. However, in no case shall standards of cleanliness, hygiene, and sanitation be violated.

(2) Inspections shall be conducted by the facility inspector designated by the board.

(3) Facilities are subject to inspection at any time during the facility's normal hours of business.

[16.25.9.8 NMAC - Rp 16.25.9.8 NMAC, 01-17-2014; A, 05-08-2016]

16.25.9.9 PREMISES - GENERAL REQUIREMENTS:

A. All premises where veterinary medicine including its various branches is being practiced and all instruments, equipment, apparatus, and apparel used in connection with those practices, shall be kept clean and sanitary and shall conform to the standards specified for different types of facilities.

B. Emergency service either by staff veterinarians or by pre-arranged referral to another veterinarian within a reasonable distance shall be provided at all times. Referral must be acknowledged and agreed upon by both the referring and referred veterinarians.

C. Every veterinary facility shall maintain the following:

(1) A sanitary environment to include the proper routine disposal of waste material, proper sterilization or sanitation of all equipment used in diagnosis or treatment, and adequate storage to provide a neat and orderly appearance;

(2) An adequate library of textbooks, journals or other current veterinary reference materials, readily available on the premises or available through electronic access;

(3) Proper storage and environmental control for all medicines and biologics based on the manufacturer's recommendations;

(4) Properly maintained records; and

(5) Legally accessible methods for the disposal of deceased animals and infectious waste.

[16.25.9.9 NMAC - Rp 16.25.9.9 NMAC, 01-17-2014]

16.25.9.10 PREMISES - FIXED VETERINARY FACILITIES:

A. When premises are closed, an answering machine or answering service shall be used to notify the public when the veterinary premises will re-open and where pre-arranged after hours veterinary care is available.

B. All fixed premises shall conform to or possess the following:

(1) Exterior:

(a) a legible sign;

(b) facility clean and in good repair; and

(c) grounds clean and maintained.

(2) Interior:

(a) indoor lighting for halls, wards, reception areas, examination, treatment, and surgery rooms that is adequate for the intended purposes;

(b) a reception room and office, or a combination of the two;

(c) an examination room separate from other areas of the facility and of sufficient size to accommodate the appropriate hospital personnel;

(d) table tops, counter tops, and floors made of materials suitable for regular disinfection and cleaning;

(e) facility license conspicuously displayed; and

(f) veterinarians' licenses and veterinary technicians' licenses conspicuously displayed.

C. A veterinary facility where animals are housed or retained for treatment shall additionally contain the following:

(1) compartments of sufficient size and construction to maintain animals in a comfortable, safe, and sanitary manner;

(2) exercise runs or a means for providing exercise of sufficient construction to maintain animals in a safe, clean and sanitary manner;

(3) effective separation of known or suspected contagious animals;

(4) maintenance of temperature and ventilation to ensure the comfort of patients;

(5) an animal identification system;

(6) fire precautions that meet the requirements of local and state fire prevention codes; and

(7) if there are no personnel on the premises during any time an animal is left at the veterinary facility, prior written or verbal notice must be given to the client.

D. Full service veterinary facilities shall additionally conform to or possess the following:

(1) a surgery room separate and distinct from all other rooms and reserved for aseptic surgical procedures requiring aseptic preparation;

(2) the capability to render diagnostic radiological services, either the premises or through outside sources; and

(3) the capability to provide clinical pathology and histopathology diagnostic laboratory services, either on the premises or through outside sources.

[16.25.9.10 NMAC - Rp, 16.25.9.10 NMAC, 01-17-2014]

16.25.9.11 PREMISES - MOBILE VETERINARY FACILITIES:

A. Small animals. A small animal mobile veterinary facility shall conform to or possess the following:

(1) hot and cold water;

(2) a 110-volt power source for diagnostic equipment;

(3) a collection receptacle for proper disposal of waste material;

(4) lighting adequate for the procedures to be performed;

(5) table tops and counter tops which can be cleaned and disinfected;

(6) floor coverings which can be cleaned and disinfected;

(7) compartments to transport or hold animals;

(8) indoor lighting for halls, wards, reception areas, examination and surgery rooms that is adequate for the intended purposes;

(9) An examination room separate from other areas of the facility which shall be of sufficient size to accommodate appropriate hospital personnel unless only one client is in the mobile unit at one time;

(10) fire precautions that meet the requirements of local and state fire prevention codes;

(11) temperature and ventilation controls adequate to ensure the comfort of patients;

(12) if surgical services are offered, a room separate and distinct from other rooms reserved for aseptic surgical procedures;

(13) the capability to render diagnostic radiological services either in the mobile veterinary unit or through other outside services;

(14) the capability to provide clinical pathology and histopathology diagnostic laboratory services, either in the mobile veterinary unit or through other outside services;

(15) ability and equipment to provide immediate emergency care at a level commensurate with the specific veterinary medical services provided;

(16) provide after-hours emergency service, either by staff veterinarians or by pre-arranged referral to another veterinarian within a reasonable distance. Referral must be acknowledged and agreed upon by both the referring and referred veterinarians;

(17) in all types of mobile veterinary practice adherence to minimum standards of practice and the existence of a veterinarian-client-patient relationship; and

(18) proper instrumentation and sterilization maintained in the vehicle to accommodate those services which the veterinarian maintains he is capable of providing.

B. Large animals. A large animal mobile veterinary facility shall conform to or provide the following:

(1) maintenance of facility in a clean and sanitary fashion; and

(2) items of equipment necessary for the veterinarian to perform physical examinations, surgical procedures and medical treatments consistent with the standards of the profession and the type of veterinary services being rendered. Standard items equipping the unit should include but not be limited to the following:

(a) if aseptic surgery is to be performed: sterile surgical instruments, suturing materials, syringes, and needles;

(b) protective clothing, rubber or disposable boots and a means to clean them between each visit to each premises;

(c) current and properly stored pharmaceuticals and biologics as per manufacturer's label; and

(d) a means of cold sterilization.

(3) The capability to render diagnostic radiological services, either through the mobile veterinary unit or through other outside services.

(4) The capability to provide clinical pathology and histopathology diagnostic laboratory services, either through the mobile veterinary unit or through other outside services.

C. In all types of mobile veterinary practice, minimum standards of practice must be adhered to and a veterinarian-client-patient relationship must exist.

[16.25.9.11 NMAC - Rp 16.25.9.11 NMAC, 01-17-2014]

16.25.9.12 PREMISES - EMERGENCY CLINICS:

A. Emergency clinics are facilities which advertise or otherwise purport to provide veterinary medical services when these services are not normally available through other facilities. Nothing contained in this rule is intended to prohibit any licensed facility from providing services of an emergency nature.

B. The minimum staffing requirements for an emergency facility shall include a licensed veterinarian on the premises at all times during the posted hours of operation.

C. Advertisements shall clearly state:

(1) a licensed veterinarian is on the premises during the posted emergency hours;

(2) the hours the facility will provide emergency services; and

(3) the address and telephone number of the facility.

D. In addition to the equipment for veterinary hospitals and clinics, all emergency facilities shall have the equipment necessary to perform standard emergency medical procedures including but not limited to:

(1) the capability to render timely diagnostic radiological services on premises;

(2) the capacity to render timely laboratory services on premises; and

(3) the ability to provide diagnostic cardiac monitoring.

E. Emergency clinics shall meet the same standards as fixed veterinary premises.

[16.25.9.12 NMAC - Rp 16.25.9.12 NMAC, 01-17-2014]

16.25.9.13 PREMISES - NON-FULL SERVICE FACILITIES:

A. Referral, specialty and other facilities in which the services provided are limited in scope shall:

(1) identify the name of the primary veterinarian on each patient's medical record; and

(2) possess all necessary instruments, equipment and apparatus essential to the services rendered.

B. Non-full service facilities shall meet the same standards as fixed veterinary premises.

[16.25.9.13 NMAC - Rp, 16.25.9.13 NMAC, 01-17-2014]

16.25.9.14 PREMISES - FOOD ANIMAL FACILITIES: Veterinary premises where food animal medicine is practiced shall have a reception room and office or a combination of the two. The premises shall contain the following:

A. facilities for cleaning and sterilizing instruments and equipment;

B. telephone and answering services;

C. record keeping system;

D. facilities for proper storage of pharmaceuticals and biologics;

E. holding pens;

F. capability for providing restraint; and

G. a sanitizable area for clean surgery.

[16.25.9.14 NMAC - Rp 16.25.9.14 NMAC, 01-17-2014]

16.25.9.15 RADIOLOGICAL SERVICES:

A. Full service veterinary practices must have the capacity to render adequate diagnostic radiological services either in the facility or through an agreement to provide these services through another facility.

B. All exposed radiographs shall be the property of the veterinary facility that originally ordered them to be prepared and shall be stored where easily maintained and accessible by that facility for a period of three years.

C. All radiographs shall have a permanent, legible identification and shall include the following information:

(1) the hospital, clinic or veterinarian name;

(2) the location, city and state of the facility;

(3) client identification;

(4) patient identification;

(5) the date the radiograph was taken; and

(6) anatomical orientation, left or right, as indicated.

D. Radiographs shall be temporarily released in a timely manner to another veterinarian who has the authorization of the owner or agent or directly to the owner or agent. Return of said radiographs to the originating veterinarian shall also be accomplished in a timely manner. Transfer of radiographs shall be documented in the medical record.

E. If radiographs are transferred permanently, the transfer shall be documented in the medical record.

F. Radiographs originating at an emergency hospital shall become the property of the next attending veterinary facility upon receipt of the radiographs. Transfer of radiographs shall be documented in the medical record.

G. Pursuant to the state of New Mexico Environmental Protection Act, 20.3.6 NMAC, each facility shall maintain an x-ray log containing the examinations and the dates the examinations were performed. The log shall indicate when techniques for procedures vary from those specified in Subparagraph (c), Paragraph (1), Subsection A of 20.3.6.602 NMAC.
[16.25.9.15 NMAC - Rp 16.25.9.15 NMAC, 01-17-2014]

16.25.9.16 LABORATORY SERVICES AND EQUIPMENT:

A. Clinical pathology and histopathology diagnostic laboratory services must be readily available within the veterinary facility or through outside services.

B. Laboratory data is the property of the veterinary facility that originally ordered it to be prepared.

C. A copy of laboratory data shall be released in a timely manner to another veterinarian who has the authorization of the owner or agent or directly to the owner or agent.

D. A laboratory must be equipped with a microscope and a centrifuge.
[16.25.9.16 NMAC - Rp 16.25.9.16 NMAC, 01-17-2014]

16.25.9.17 PHARMACEUTICAL SERVICES:

A. No legend or controlled drug shall be prescribed, dispensed or administered without the establishment of a veterinarian-client-patient relationship.

B. All legend drugs shall be stored in a secure manner limiting public accessibility.

C. No expired drug or biologic shall be administered or dispensed.

D. All expired drugs or biologics shall be stored away from the working pharmacy while awaiting disposal.

E. All drugs and biologics shall be maintained, administered, dispensed and prescribed in compliance with state and federal laws.

F. Unless otherwise requested by the owner, and noted in the medical record, all repackaged legend and dangerous drugs shall be dispensed in safety closure containers.

G. All drugs shall be labeled with:

(1) name, address, and phone number of the facility;
(2) client's name;
(3) patient's name;
(4) date dispensed;
(5) name and strength of drug;
(6) directions for use;
(7) quantity dispensed;
(8) expiration date of drug;
(9) name of prescribing veterinarian; and
(10) the words "for veterinary use only" and "keep out of reach of children."

H. Veterinarians shall honor client requests to dispense a drug(s) or provide a written prescription for a drug(s) that has been determined by the veterinarian to be appropriate for the patient.
[16.25.9.17 NMAC - Rp 16.25.9.17 NMAC, 01-17-2014]

16.25.9.18 SURGICAL SERVICES:

A. Aseptic surgery means a procedure that is performed under sterile conditions.

(1) Sterile surgery shall be defined as procedures in which aseptic technique is practiced in patient preparation, instrumentation and surgical attire.

(2) Clean surgery means the performance of a surgical operation for the treatment of a condition and under circumstances which, consistent with the standards of good veterinary medicine, do not warrant the use of aseptic surgical procedures.

B. The surgeon is responsible for the surgical case until it is completed and there is adequate recovery of the patient from anesthesia.

C. Surgery room.

(1) A room shall be designated for aseptic procedures only, in which no other uses are permitted;

(2) The room shall be well lighted and have available an operational viewing device for reviewing radiographs;

(3) The floors, tabletops, and countertops of the surgery room shall be of a material suitable for disinfection and cleaning and shall be cleaned and disinfected regularly;

(4) Storage in the surgery room is limited to surgically related items only; and

(5) Nothing in this section shall preclude the performance of emergency aseptic surgical procedures in another room when the room designated for that purpose is occupied.

D. Instruments and equipment.

(1) Instruments and equipment shall be:

(a) adequate for the type of surgical service provided; and

(b) sterilized by a method acceptable for the type of surgery for which they shall be used.

(2) In any sterile surgical procedure, a separate sterile pack and gloves shall be used for each animal;

(3) All instruments, packs and equipment that have been sterilized shall have an indicator that reacts to and verifies sterilization within one year; and

(4) Suture material shall not be used beyond the manufacturer's expiration date.

E. Surgical attire.

(1) Each member of the surgical team shall wear an appropriate sanitary cap and sanitary mask which covers his hair, mouth, nose and any facial hair, except for eyebrows and eyelashes;

(2) All members of the surgical team who will be handling sterile instruments or touching the surgical site shall wear sterilized surgical gowns with long sleeves and sterilized gloves;

(3) Ancillary personnel in the surgery room shall wear clean clothing;

(4) Ancillary personnel in immediate proximity to the sterile field shall wear sanitary cap and mask; and

(5) When performing "clean surgery", the instruments used to perform such surgery shall have been properly sterilized or disinfected and the surgeon and ancillary personnel shall wear clean clothing as appropriate.

F. Anesthesia.

(1) General anesthesia is a condition caused by the administration of a drug or combination of drugs sufficient to produce a state of unconsciousness or dissociation and blocked response to a given pain or alarming stimulus.

(2) Administration of appropriate and humane methods of anesthesia, analgesia and sedation to minimize pain and distress during any procedures and shall comply with the following standards:

(a) with the exception of feral or dangerous animals, every animal shall be given a physical examination within two weeks prior to the administration of an anesthetic;

(b) the animal under general anesthesia shall be under continuous observation until, at minimum, the swallowing reflex has returned and shall not be released to the client until the animal demonstrates a righting reflex. This shall not preclude direct transfer of an animal under anesthesia to a suitable facility for referred observation;

(c) provide a method of respiratory monitoring that may include observation of the animal's chest movement or observing the rebreathing bag or respirometer;

(d) provide a method of cardiac monitoring that may include the use of stethoscope or electrocardiographic monitor;

(e) clean endotracheal tubes of assorted sizes shall be readily available;

(f) oxygen equipment shall be available at all times;

(g) anesthetic equipment will be maintained in proper working condition; and

(h) effective means shall be provided for exhausting waste gasses from hospital areas in which inhalation anesthesia is used.

[16.25.9.18 NMAC - Rp 16.25.9.18 NMAC, 01-17-2014; A, 05-08-2016]

16.25.9.19 DENTAL SERVICES:

A. Dental operation or procedure is the application or use of any instrument or device to any portion of an animal's tooth, gum or related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue. Dental operations or procedures shall be performed only by licensed veterinarians except for those preventive veterinary dental procedures as specified below.

B. Preventive veterinary dental procedures including but not limited to the removal of calculus, soft deposits, plaque and stains; the smoothing, filing, polishing of tooth surfaces, or floating or dressing of equine teeth, shall be performed only by licensed veterinarians or under the direct supervision of a licensed veterinarian.

C. Preventive veterinary dental procedures including but not limited to the removal of calculus by either manual or ultrasonic rescaling shall be done in a location specifically designated for such procedures or in a treatment area.

D. This rule does not prohibit any person from utilizing cotton swabs, gauze, dental floss, dentifrice, toothbrushes or similar items to clean an animal's teeth.

[16.25.9.19 NMAC - Rp 16.25.9.19 NMAC, 01-17-2014]

16.25.9.20 DIRECT SUPERVISION OF NON-VETERINARIANS: Non-licensed individuals are prohibited from practicing veterinary medicine which includes but is not limited to chiropractic, physical therapy, acupuncture, acupressure, homeopathy, therapeutic massage, dentistry, embryo transfer or any other related services on animals as defined in NMSA 1978, Section 61-14-2(B)(1), except under the direct supervision of a New Mexico-licensed veterinarian. Direct supervision includes the following:

A. the licensed veterinarian must have established a valid veterinarian-client-patient relationship;

B. the treatment must be performed on the order of a licensed veterinarian;

C. the licensed veterinarian must be on the premises and readily available;

D. the licensed veterinarian must assume liability for the quality of any treatment performed; and

E. the fee for services rendered shall be paid to the licensed veterinarian or licensed facility.

[16.25.9.20 NMAC - Rp 16.25.9.20 NMAC, 01-17-2014]

16.25.9.21 RECORD KEEPING:

A. Every veterinarian involved in a veterinarian-client-patient relationship performing any service requiring a license to work on any animal or group of animals in his custody or in the custody of a veterinary facility, shall prepare a legible individual or group animal and client record concerning the animal(s) which shall contain the following information:

(1) name, address, and phone number of the animal's owner or agent; and

(2) name or identity of animal(s), including species, breed, age, sex, weight, and color where appropriate

(3) The medical record shall contain:

(a) a history of pertinent information as it pertains to the animal's medical status;

(b) notation of the physical examination findings;

(c) treatment or intended treatment plans or both, including medications, medication strengths and amounts administered, dispensed or prescribed and frequency of use as well as method of administration including those medications used for sedation, induction and maintenance of anesthesia;

(d) data and interpretation(s) of diagnostic procedures including but not limited to radiographs, laboratory, ultrasound and ECG;

(e) a diagnosis or tentative diagnosis;

(f) when pertinent, a prognosis;

(g) progress notes and disposition of the case;

(h) beginning and ending dates of custody of the animal with daily notations;

(i) in the case of vaccination clinics, a certificate including the information required by Subsections (1) and (2) above may serve as the medical record;

(j) name or initials of the veterinarian responsible for entries; and

(k) name or initials of all ancillary and authorized individuals responsible for entries.

(4) Group records are acceptable for herds, flocks or litters of animals that lack individual identification by name or that include a number of individuals to which the same medical record applies. Records for surgical procedures that include a description of the procedure, surgical findings when pertinent and response to or recovery from anesthesia shall contain the requirements listed in Subsection (3) above.

B. Record storage.

(1) All records shall be the property of the veterinary facility or practice that created such records and shall be kept where easily accessible for a minimum of four years after the animal's last visit.

(2) Upon closure of a facility or practice, notice must be published twice in the local newspaper announcing where records can be obtained for 90 days.

(3) Copies of records and radiographs or a summary of records will be made available within 10 working days upon the client's written request.

C. Controlled substances.

(1) A separate log shall be maintained on each controlled substance and shall contain the following information:

(a) date and time of administering or date of dispensing;

(b) name of owner or agent;

(c) name or identification of animal;

(d) amount dispensed or administered;

(e) balance remaining; and

(f) authorizing veterinarian and identification of authorized individual dispensing or administering the controlled substance.

(2) For each controlled substance, there shall be an annual inventory that includes:

(a) the date of inventory, May 1 annually, unless prior written notice is submitted to the appropriate agency by the licensee manager;

(b) a physical count identifying the quantity of each controlled substance on hand on the date of inventory;

(c) the "balance remaining" from the individual controlled substance log;

(d) the discrepancy between (b) and (c); and

(e) the percent the annual use (d) represents.

(3) All New Mexico board of pharmacy, New Mexico Controlled Substances Act, federal drug enforcement administration (DEA) and federal food and drug administration requirements shall be complied with, including but not limited to the following:

(a) controlled substances must be kept securely locked in a closet, safe or fixed cabinet;

(b) access to the controlled substance storage area should be restricted to the absolute minimum number of employees;

(c) the recommendation that controlled substances stock is kept to a minimum. Should it be necessary to have a substantial quantity of controlled substances stored in the office or facility, the DEA encourages having security which exceeds the minimum requirements such as a safe and alarm system;

(d) the reporting of lost or stolen controlled substances to the appropriate agency;

(e) the disposal of controlled substances through a DEA licensed disposer; and

(f) the DEA and NMCS licenses shall be kept where easily accessible in the pharmacy area but not in public view.

D. Computer records.

(1) There shall be reasonable security of a facility's computer(s) with access limited to authorized individuals only.

(2) A daily and cumulative monthly back-up on a separate disk, magnetic tape or other acceptable device or method shall be made.

[16.25.9.21 NMAC - Rp 16.25.9.21 NMAC, 01-17-2014]

16.25.9.22 MANAGEMENT OF WASTE:

A. A licensed veterinarian shall oversee the handling, treatment and disposition of infectious waste including but not limited to carcasses, anatomical body parts, excretions, blood soiled articles or bedding that are generated from an animal that the licensed veterinarian knows or has reason to suspect has a disease that is capable of being transmitted to humans as provided under this section:

(1) all infectious waste will be sterilized or disinfected by heat, steam, chemical disinfection, radiation or desiccation; and

(2) infectious waste held for disposal shall be collected in sanitary leak resistant bags clearly labeled for biohazard disposal. The bag shall contain the gloves worn while collecting the waste and those used in treatment and post-mortem examinations of suspect animals.

B. All sharps shall be disposed of in appropriately labeled sharps containers. Such containers shall be rigid sided, solidly sealed containers that are highly resistant to puncture. These containers shall be incinerated or disposed of in an environmentally safe manner by a duly licensed disposer, an approved medical sharps incineration facility or shall be disposed of in such a way as to render the sharps harmless. This disposal shall not apply to infectious waste sharps contained in a puncture resistant container which should be disposed of as described in

infectious waste disposal. Due to the small volume of sharps generated in a veterinary clinic, transportation of the filled, sealed containers shall not be mandated by nor limited to commercial haulers.

C. Drug disposal.

(1) When feasible, unused or outdated drugs shall be returned to the manufacturer for disposal in accordance with the policies and procedures of the manufacturer.

(2) All scheduled controlled substances which cannot be returned to the manufacturer shall be disposed of at one of the approved controlled drug disposers as approved by the board of pharmacy. A list of these disposers will be provided by the board of pharmacy.

(3) Drugs which do not pose a problem for environmental hazard or are not controlled drugs may be disposed of in a sanitary, non-offensive manner by means of regular solid waste disposal methods.

D. A licensed veterinarian shall oversee the handling of waste materials that are generated from an animal that does not have a disease transmissible to humans or suspected of being contaminated with an agent capable of infecting humans as provided under this section:

(1) Animal carcasses.

(a) An animal carcass shall be disposed of promptly by release to owner, burial, cremation, incineration, commercial rendering or if permitted by local ordinance, placed in a public landfill.

(b) If prompt disposal of an animal carcass is not possible, it shall be contained in a freezer or stored in a sanitary, non-offensive manner until such time as it can be disposed of as provided in (1)(a) above.

(c) All remains stored at a veterinary clinic shall be duly identified with the case number or the owner's name and the name of the animal to prevent improper final disposal.

(2) Tissues, specimens, bedding, animal waste and extraneous materials, not suspected of harboring pathogens infectious to humans shall be disposed of by approved city or county disposal methods.

E. In the event of the occurrence of a suspected foreign animal disease or disease of potential concern to state or national security, the licensed veterinarian will immediately contact the state department of agriculture, the U. S. department of agriculture and other departments that have jurisdiction over such an occurrence. The licensed veterinarian shall oversee the handling of all tissues, laboratory samples and biomedical waste associated with such cases in accordance with the recommendations made by the department of agriculture and other departments and agencies which are deemed necessary and appropriate in such cases.

[16.25.9.22 NMAC – Rp, 16.25.9.22 NMAC, 01-17-2014]

HISTORY OF 16.25.9 NMAC:

Pre-NMAC History:

BVE 88-7, Rules Governing Minimum Standards for the Practice of Veterinary Medicine, 10-14-88.
BVE 92-8, Rules Governing Minimum Standards for the Practice of Veterinary Medicine, 5-22-92.
BVE 93-8, Rules Governing Minimum Standards for the Practice of Veterinary Medicine, 6-3-93.

History of Repealed Material:

16 NMAC 25.9, Minimum Standards - Repealed, 9-1-00.
16.25.9 NMAC, Minimum Standards - Repealed, 6-7-02.
16.25.9 NMAC, Minimum Standards - Repealed effective 01-17-14.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 10 RESERVED

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 25 VETERINARY MEDICINE PRACTITIONERS
PART 11 PARENTAL RESPONSIBILITY COMPLIANCE

16.25.11.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine
[16.25.11.1 NMAC - Rp, 16.25.11.1 NMAC, 01-17-2014]

16.25.11.2 SCOPE: Provisions of 16.25.11 NMAC shall apply to all those licensed by the New Mexico Board of Veterinary Medicine.
[16.25.11.2 NMAC – Rp, 16.25.11.2 NMAC, 01-17-2014]

16.25.11.3 STATUTORY AUTHORITY: NMSA 1978, Section 61-14-5(F), directs the board of veterinary medicine to adopt, regularly review and revise rules necessary to carry out the provisions of the Veterinary Practice Act after a hearing open to the public. The board adopts this part pursuant to the Parental Responsibility, NMSA 1978, Section 40-5(A)(1) through (13), which requires all professional licensing boards to promulgate rules to implement the Parental Responsibility Act.
[16.25.11.3 NMAC - Rp, 16.25.11.3 NMAC, 01-17-2014]

16.25.11.4 DURATION: Permanent.
[16.25.11.4 NMAC - Rp, 16.25.11.4 NMAC, 01-17-2014]

16.25.11.5 EFFECTIVE DATE: 01-17-2014 unless a later date is cited at the end of a section.
[16.25.11.5 NMAC - Rp, 16.25.11.5 NMAC, 01-17-2014]

16.25.11.6 OBJECTIVE: To ensure that licensees and applicants for licensure from the board of veterinary medicine comply with the Parental Responsibility Act.
[16.25.11.6 NMAC - Rp, 16.25.11.6 NMAC, 01-17-2014]

16.25.11.7 DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this part. As used in this part:

A. HSD means the New Mexico human services department;

B. statement of compliance means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support; and

C. statement of non-compliance means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support.

[16.25.11.7 NMAC - Rp, 16.25.11.7 NMAC, 01-17-2014]

16.25.11.8 AUTHORITY: The board adopts this part pursuant to the Parental Responsibility Act, NMSA 1978, Section 40-5(A)(1) through (13).
[16.25.11.8 NMAC - Rp, 16.25.11.8 NMAC, 01-17-2014]

16.25.11.9 DISCIPLINARY ACTION: If an applicant or licensee is not in compliance with a judgment and order for support, the board:

A. shall deny an application for a license;

B. shall deny the renewal of a license; and

C. has grounds for suspension or revocation of the license.

[16.25.11.9 NMAC - Rp, 16.25.11.9 NMAC, 01-17-2014]

16.25.11.10 CERTIFIED LIST:
Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the board shall match the certified list against the current list of board licensees and applicants. Upon the subsequent receipt of an application for licensure or renewal, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to HSD the names of board applicants and licensees who are on the certified list and the action the board has taken in connection with such applicants and licensees.
[16.25.11.10 NMAC - Rp, 16.25.11.10 NMAC, 01-17-2014]

16.25.11.11 INITIAL ACTION:
Upon determination that an applicant or licensee appears on the certified list, the board shall:

A. commence a formal proceeding under 16.25.11.9 NMAC to take the appropriate action under 16.25.11.12 NMAC;

B. for current licensees only: informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the board with a subsequent statement of compliance from HSD by the earlier of:

(1) the application for license renewal; or

(2) specified date not to exceed 30 days.

If the licensee fails to provide this statement, the board shall commence a formal proceeding under 16.25.11.14 NMAC.
[16.25.11.11 NMAC - Rp, 16.25.11.11 NMAC, 01-17-2014]

16.25.11.12 NOTICE OF CONTEMPLATED ACTION: Prior to taking any action specified in 16.25.11.11 NMAC, the board shall serve written notice to the applicant or licensee setting forth the grounds, as determined by the board, to take such action and the board's intention to take such action unless the licensee or applicant:

A. mails a certified letter return receipt requested within 20 days after service of the notice requesting a hearing; or

B. provides the board, within 30 days of the date of the notice, a statement of compliance from HSD.

C. If the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee shall contact the HSD child support enforcement division.
[16.25.11.12 NMAC - Rp, 16.25.11.12 NMAC, 01-17-2014]

16.25.11.13 EVIDENCE AND PROOF: In any hearing under this part, relevant evidence is limited to the following: A statement of non-compliance is conclusive evidence that requires the board to take the appropriate action under 16.25.11.12 NMAC, unless the applicant or licensee provides the board with a subsequent statement of compliance which shall preclude the board from taking any action under this part.
[16.25.11.13 NMAC - Rp, 16.24.11.13 NMAC, 01-17-2014]

16.25.11.14 ORDER:
When a disciplinary action is taken under this part solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent statement of compliance. The board may also include any other conditions necessary to comply with board requirements for reapplications or reinstatement of lapsed licenses.
[16.25.11.14 NMAC - Rp, 16.25.11.14 NMAC, 01-17-2014]

16.25.11.15 PROCEDURES:
Proceedings under this part shall be governed by the Uniform Licensing Act, NMSA 1978, Section 61-1-1.
[16.25.11.15 NMAC - Rp, 16.25.11.15 NMAC, 01-17-2014]

HISTORY OF 16.25.11 NMAC:
History of Repealed Material:
16 NMAC 25.11, Parental Responsibility - Repealed 05-31-96.
16.25.11 NMAC Parental Responsibility - Repealed effective 01-17-14.