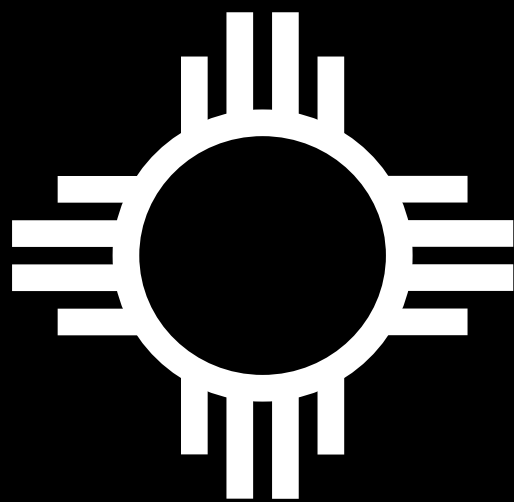


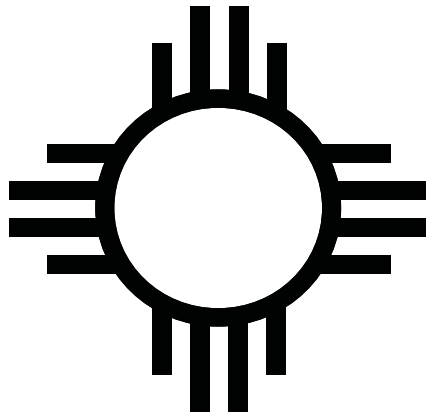
**NEW
MEXICO
REGISTER**



Volume XXV
Issue Number 1
January 15, 2014

New Mexico Register

**Volume XXV, Issue Number 1
January 15, 2014**



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2014

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New Mexico Register

Volume XXV, Number 1

January 15, 2014

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The New Mexico Register
Published by
The Commission of Public Records
Administrative Law Division
1205 Camino Carlos Rey
Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. Telephone: (505) 476-7907; Fax: (505) 476-7910; E-mail: staterules@state.nm.us.

Notices of Rulemaking and Proposed Rules

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION

NOTICE OF PUBLIC HEARING

Protective Services Division (PSD) of the Children, Youth and Families Department (CYFD) will hold a public hearing in Santa Fe on Monday, February 3, 2014 from 10:00 a.m. to 11:30 a.m. at the PERA Building located at 1120 Paseo de Peralta, on the second floor in the large conference room 227, to take comments regarding the following newly developed policy: [NMAC 8.26.6, Community Home Licensing Standards.](#)

The PERA building is accessible to people with disabilities. Documents can be available in different formats to accommodate a particular disability upon request by calling 505-827-8400. If assistance is required to attend the hearing, please call 505-827-8400 to arrange accommodation. Written comments are provided the same weight as comments received during the public hearings.

The policy may also be reviewed between 8:00 a.m.-5:00 p.m. at the PS Director's office, Room 254, in the PERA building in Santa Fe. Copies of the report may be purchased (for the cost of copying); contact Milissa Soto, PSD Policy and Procedure Coordinator at 505-827-8078.

NEW MEXICO DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of 7.27.2 NMAC ("Licensing of Emergency Medical Services Personnel") and 7.27.11 NMAC ("Supplemental Licensing Provisions"); and the proposed addition of 7.27.12 NMAC ("Certification of S-T Segment Elevation Myocardial Infarction (STEMI) Receiving and Referring Centers") and 7.27.13 NMAC ("Certification of Stroke Centers"). The hearing will be held on Monday, February 24, 2014 at 9:00 a.m. in the Harold Runnels

Building auditorium, located at 1190 St. Francis Drive in Santa Fe, New Mexico.

The public hearing will be conducted to receive public comment regarding proposed changes to two existing rules, and the creation of two new rules. The proposed changes to the existing rules will include revisions to the EMS Licensing rule and the EMT Scopes of Practice. The proposed new rules will include a rule to establish requirements for acute care hospitals to become certified as S-T segment elevation myocardial infarction (STEMI) receiving or referring centers, and a rule to establish requirements for acute care hospitals to become certified as an acute stroke capable center, primary stroke center, or comprehensive stroke center.

A copy of these materials may be obtained from, and written comments may be submitted to:

Charles Schroeder, EMS Program Manager
EMS Bureau
New Mexico Department of Health
1301 Siler Rd., Bldg. F
Santa Fe, NM 87507
(505) 476-8246

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Charles Schroeder at the above address or telephone number. The Department requests at least ten (10) days' advance notice for special accommodations requests.

**End of Notices and Proposed
Rules Section**

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Adopted Rules

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

This is an amendment to 8.15.2 NMAC, Section 17, effective 1/15/14.

8.15.2.17 PAYMENT FOR SERVICES: The department pays child care providers on a monthly basis, according to standard practice for the child care industry. Payment is based upon the child’s enrollment with the provider as reflected in the child care placement agreement, rather than daily attendance. As a result, most placements reflect a month of service provision and are paid on this basis. However, placements may be closed at any time during the month. The following describes circumstances when placements may be closed and payment discontinued at a time other than the end of the month:

A. When the eligibility period as indicated by the child care placement agreement expires during the month, including the end of a school semester; or when the provider requests that the client change providers or the provider discontinues services; payment will be made through the last day that care is provided.

B. Upon a change of provider the client and former provider have three days after the 5th day of nonattendance to notify the department. If this requirement for notification was met, the provider will be paid through the 14th day following the first date of nonattendance. If notification requirement is not met, the provider will be paid through the last date of attendance. The agreement with the new provider shall become effective when payment to the previous provider ceases. If the client notifies the department of the change in providers fewer than 14 days before the change will take place or after the change has taken place, the client is responsible for payment to the new provider beginning on the start date at the new provider and continuing up until the final date of payment to the former provider, as described above. Payment to the former provider will be made through the last day that care is provided if the child is withdrawn from the provider because the health, safety or welfare of the child is at risk, as determined by a substantiated complaint against the child care facility.

C. The amount of the payment is based upon the average number of hours per week needed per child during the certification period. The number of hours of care needed is determined with the parent at the time of certification and is reflected in the provider agreement. Providers are paid according to the units of service needed which are reflected in the child care agreement covering the certification period.

D. The department pays for care based upon the following units of service:

Full time	Part time 1	Part time 2	Part time 3
Care provided for an average of 30 or more hours per week per month	Care provided for an average of 20-29 hours per week per month	Care provided for an average of 6 - 19 hours per week per month	Care provider for an average of 5 or less hours per week per month
Pay at 100% of full time rate	Pay at 75 % of full time rate	Pay at 50 % of full time rate	Pay at 25% of full time rate

E. Hours of care shall be rounded to the nearest whole number.

F. Child care placement agreements for out of school time care shall be opened and closed concurrent with the beginning and end of summer vacations, with the exception of year round school.

G. Monthly reimbursement rates:

Licensed child care centers							
Infant		Toddler		Pre-school		School-age	
Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro
[\$521.37] \$542.25	[\$463.75] \$482.30	[\$470.72] \$489.55	[\$434.63] \$452.02	[\$440.01] \$457.61	[\$408.02] \$424.34	[\$390.64] \$406.27	[\$377.96] \$393.08
Licensed group homes (capacity: 7-12)							
Infant		Toddler		Pre-school		School-age	
Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro
[\$424.01] \$440.97	[\$400.96] \$417.00	[\$388.93] \$404.49	[\$381.23] \$396.48	[\$383.08] \$398.40	[\$375.81] \$390.84	[\$378.53] \$393.67	[\$368.53] \$383.27
Licensed family homes (capacity: 6 or less)							
Infant		Toddler		Pre-school		School-age	
Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro
[\$410.20] \$426.61	[\$387.60] \$403.10	[\$370.08] \$384.88	[\$365.04] \$379.64	[\$369.17] \$383.94	[\$362.09] \$376.57	[\$364.28] \$378.85	[\$354.64] \$368.83

Registered homes and in-home child care							
Infant		Toddler		Pre-school		School-age	
Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro	Metro	Non-Metro
[\$278.74] \$289.89	[\$258.00] \$268.32	[\$264.00] \$274.56	[\$217.69] \$226.40	[\$242.00] \$251.68	[\$220.00] \$228.80	[\$242.00] \$251.68	[\$198.00] \$205.92

H. The department pays a differential rate according to the location of the provider, license or registration status of the provider, national accreditation status of the provider if applicable, Star level status of the provider if applicable, and in accordance with the rate established for metro or non-metro location of the provider. Providers located in the metropolitan statistical areas of the state as determined by the U.S. census bureau receive the metropolitan rate. All other providers receive the non-metro rate.

I. Providers holding national accreditation status receive an additional \$150.00 per child per month for full time care above the metro rate for type of child care (licensed center, group home or family home) and age of child. All licensed nationally accredited providers will be paid at the metro rates for the appropriate age group and type of care. In order to continue at this accredited reimbursement rate, a provider holding national accreditation status must meet and maintain licensing standards and maintain national accreditation status without a lapse. If a provider holding national accreditation status fails to maintain these requirements, this will result in the provider reimbursement reverting to a lower level of reimbursement. The provider is required to notify the department immediately when a change in accreditation status occurs.

J. The department pays a differential rate to providers achieving higher Star levels as follows: 3-Star at \$88.00 per month per child for full time care above the base reimbursement rate; 4-Star at \$122.50 per month per child for full time care above the base reimbursement rate, and 5-Star at \$150.00 per child per month for full time care above the base reimbursement rate. In order to continue at these reimbursement rates, a provider must maintain and meet most recent star criteria and basic licensing requirements. If the provider fails to meet the requirements, this will result in the provider reimbursement reverting to the level demonstrated.

K. The department pays a differential rate equivalent to 5, 10, or 15% of the applicable full-time/part-time rate to providers who provide care during non-traditional hours. Non-traditional care will be paid according to the following charts:

	1-10 hrs/wk	11-20 hrs/wk	21 or more hrs/wk
After hours	5%	10%	15%
	1-10 hrs/wk	11-20 hrs/wk	21 or more hrs/wk
Weekend hours	5%	10%	15%

L. If a significant change occurs in the client’s circumstances, (see Subsection G of 8.15.2.13 NMAC) the child care placement agreement is modified and the rate of payment is adjusted. The department monitors attendance and reviews the placement at the end of the certification period when the child is re-certified.

M. The department may conduct provider or parent audits to assess that the approved service units are consistent with usage. Providers found to be defrauding the department are sanctioned. Providers must provide all relevant information requested by the department during an audit.

N. Payments are made to the provider for the period covered in the placement agreement or based on the availability of funds, which may be shorter than the usual six to 12 month certification period. The client’s certification period may be established for a period less than six months, if applicable to their need for care.

[8.15.2.17 NMAC - Rp, 8.15.2.17 NMAC, 02/14/05; A, 08/31/06; A/E, 08/15/07; A, 06/30/10; A/E, 11/01/10; Re-pr, 12/30/10; A/E, 12/01/11; Re-pr, 12/30/11; A, 7/1/12; A, 11/30/12; A, 7/1/13; A, 1/15/14]

NEW MEXICO BOARD OF VETERINARY MEDICINE

1. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.1 NMAC, entitled General Provisions, filed 9-12-2000 and replaces it with 16.25.1 NMAC, effective 1-17-2014.
2. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.2 NMAC, entitled Examination and License - Veterinarians, filed 6-25-2001 and replaces it with 16.25.2 NMAC, effective 1-17-2014.
3. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.3 NMAC, entitled Professional Conduct, filed 10-7-2004 and replaces it with 16.25.3 NMAC, effective 1-17-2014.
4. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.4 NMAC, entitled Continuing Education

- Requirements - Veterinarians, filed 8-2-2000 and replaces it with 16.25.4 NMAC, effective 1-17-2014.
5. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.5 NMAC, entitled Graduates of Non-AVMA Accredited Veterinary Schools and Graduates of Foreign Veterinary Schools, filed 9-12-2000 and replaces it with 16.25.5 NMAC, effective 1-17-2014.
 6. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.6 NMAC, entitled Veterinary Technicians, filed 3-15-2004 and replaces it with 16.25.6 NMAC, effective 1-17-2014.
 7. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.7 NMAC, entitled Facility Licenses, filed 8-2-2000 and replaces it with 16.25.7 NMAC, effective 1-16-2014.
 8. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.8 NMAC,

- entitled Bovine Artificial Insemination and Pregnancy Diagnosis Technicians, filed 9-12-2000 and replaces it with 16.25.8 NMAC, effective 1-17-2014.
9. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.9 NMAC, entitled Minimum Standards, filed 5-7-2002 and replaces it with 16.25.9 NMAC, effective 1-17-2014.
 10. The New Mexico Board of Veterinary Medicine repeals its rule 16.25.11 NMAC, entitled Parental Responsibility Compliance, filed 10-7-2004 and replaces it with 16.25.11 NMAC, effective 1-17-2014.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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 microorganisms.

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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:

NMSA 1978, 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.

[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 NMSA 1978, Section 61-14-2(B).

[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 NMSA 1978, Section 61-14-10;

E. is a graduate veterinarian as defined by NMSA 1978, Section 61-14-2(C);

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 NMSA 1978, Section 61-14-14, a graduate veterinarian must be licensed by the board to lawfully practice veterinary medicine in New Mexico as defined in NMSA 1978, Section 61-14-2(B).

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 75%, 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 5 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.

[16.25.2.11 NMAC - Rp, 16.25.2.11 NMAC, 01-17-2014]

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 75%.

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) and clinical competency test (CCT) 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]

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 NMSA 1978, Section 61-14-18.

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 NMSA 1978, Section 61-14-12. [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; and

(3) 60-day temporary permit - \$250.

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.

F. 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]

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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.

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 or AVMA board certified in the following specialties:

- (a) avian;
- (b) beef cattle;
- (c) canine and feline;
- (d) dairy;
- (e) dermatology;
- (f) emergency and critical care;
- (g) equine;
- (h) exotic companion mammal;
- (i) feline;
- (j) food animal;
- (k) internal medicine;
- (l) laboratory animal medicine;
- (m) ophthalmology;
- (n) reptile and amphibian;
- (o) surgery;
- (p) swine health management;
- (q) veterinary preventive

medicine;

(s) zoology.

(6) imply that a licensed veterinarian is certified in the following complementary, alternative or integrative therapies including but 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 lay person 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]

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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; and

(3) 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]

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 and/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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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: NMSA 1978, Section 61-14-5. [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.

(a) 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.

(b) At its next meeting, the board will make its determination whether approval will be granted.

(2) Applicant must 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) Applicant must 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 examination(s). If the applicant does not apply for a permit within one year, applicant must retake the examination(s).

D. Fees for instruction are paid directly to the instructor or institution that provides the instruction.

(1) Examination fees are paid directly to the board appointed examiner; and

(2) Fees for initial bovine AI and PD permits and annual renewals are paid to the board of veterinary medicine. 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 - Rp, 16.25.8.9 NMAC, 01-17-2014]

16.25.8.10 PERMIT RENEWAL:

A. Bovine AI and bovine PD technicians must pass the proficiency or equivalent portion of the bovine AI and PD examination every three years as determined by the board.

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]

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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

**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. 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]

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.

G. A surgical log shall be maintained that includes the following information:

- (1) date of procedure;
- (2) client identification;
- (3) patient identification;
- (4) type or name of procedure;
- (5) pre-anesthetic or sedative

used;

- (6) anesthetic or induction agent

used;

- (7) anesthesia maintenance agent

used; and

- (8) duration of procedure.

[16.25.9.18 NMAC - Rp 16.25.9.18 NMAC, 01-17-2014]

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.

A. Direct supervision includes the following:

(1) the licensed veterinarian must have established a valid veterinarian-client-patient relationship;

(2) the treatment must be performed on the order of a licensed veterinarian;

(3) the licensed veterinarian must be on the premises and readily available;

(4) the licensed veterinarian must assume liability for the quality of any treatment performed; and

(5) 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.

NEW MEXICO BOARD OF VETERINARY MEDICINE

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.

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS

This is an amendment to 11.1.2 NMAC, Sections 7, 8, 10 and 12, effective 1/15/2014.

11.1.2.7 DEFINITIONS:

A. "Base wage rate" means the straight time hours and hourly rate paid each laborer or mechanic.

B. "Craft" means a

particular construction trade.

C. "Director" means the director of the division.

D. "Division" means the labor relations division of the workforce solutions department.

E. "Fringe benefit" means payments made by a contractor, subcontractor, employer or person acting as a contractor, if the payment has been authorized through a negotiated process or by a collective bargaining agreement, for: holidays; time off for sickness, injury, personal reasons or vacation; bonuses; authorized expenses incurred during the course of employment; health, life and accident or disability insurance; profit-sharing plans; contributions made on behalf of an employee to a retirement or other pension plan; zone, incentive, and subsistence pay and any other compensation paid to an employee other than wages.

F. "Labor organization" means an organization of any kind, or an agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

G. "Locality" means one or more counties in the state of New Mexico.

H. "Prevailing wage and benefits" means the hourly wage rate and other benefits as determined by the director to be received by employees for worked performed under Public Works Projects or contracts.

I. "Secretary" means the secretary of the department of workforce solutions.

J. "Similar nature" means contract work performed on projects as defined in the several Subparagraphs of 11.1.2.17 NMAC.

K. "State" means the state of New Mexico.

L. "Wage" means the basic hourly rate of pay.

M. "Wage survey" means an investigation conducted by the director or the director's designee to determine the general prevailing wage rates for the crafts/ classifications in circumstances where no collective bargaining agreements exist or the collective bargaining agreements do not cover the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC.

N. "Weighted average" means the sum of the products of the grouped man hours times group base wage rate divided by the total number of man hours worked in the classification.

[11.1.2.7 NMAC; A, 3/15/12; A, 1/15/14]

11.1.2.8 PREAMBLE:

A. Every contract or project in excess of sixty thousand dollars (\$60,000) that the state or any political subdivision thereof is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads of the state and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, which shall be based upon the wages and benefits that will be determined by the director to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project at wage rates and fringe benefit rates not less than those determined by the director to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.

B. Consistent with the provisions of 11.1.2.12 NMAC the director shall determine prevailing wage rates and prevailing fringe benefit rates for respective classes of laborers and mechanics employed on public works projects at the same wage rates and fringe benefit rates used in collective bargaining agreements between labor organizations and their signatory employers that govern predominantly similar classes or classifications of laborers and mechanics for the locality of the public works project and the crafts involved.

C. If the prevailing wage rates and prevailing fringe benefit rates cannot reasonably and fairly be determined because no collective bargaining agreements exist in the locality or in neighboring localities or the collective bargaining agreements do not cover the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC, the director shall determine the prevailing wage rates and prevailing fringe benefit rates based upon the substantial evidence of industry practice gathered from surveys conducted pursuant to Subsection E of 11.1.2.12 NMAC.

[6/4/79; 11.1.2.8 NMAC - Rn, 11 NMAC 1.1.8, 12/31/09; A, 3/15/12; A, 1/15/14]

11.1.2.10 CLASSIFICATION OF TYPES OF CONSTRUCTION:

A. Classifications of construction work

(1) Type "A" The street, highway, utility and light engineering construction classification shall include

the construction, alteration, repair and demolition of roads, streets, highways, alleys, sidewalks, curbs, gutters, guard rails, fences, parkways, parking areas, airports (other than buildings thereon), bridle paths, athletic fields; highway bridges, median channels, and grade separations involving highways; parks, golf courses, viaducts; uncovered reservoirs; canals, ditches and channels (including linings other than concrete linings); earth dams under one million (1,000,000) cubic yards, telephone and electrical transmission lines and site preparations which are part of street, highway, utility and light engineering projects; and shall include construction, alteration, repair, and demolition of utilities such as sanitary sewers, storm sewers, water lines, including appurtenances thereto such as lift stations, inlets, manholes, sewer lagoons, septic tanks and service outlets (stub-outs), providing such utility construction is outside the property line, or more than five (5) feet from a building or heavy engineering structure, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction to the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure. Furthermore, this limitation will not apply to independent main lines and service outlets (stub-out regardless of proximity to building or heavy engineering structure; construction and installation of pipelines (except cross-country transportation mainline pipelines), including municipal-type utility distribution pipelines, for the distribution of petroleum or natural gas, up to the first metering station or connection with the transportation mainline pipeline; provided, "First metering station or connection" means that point which divides cross-country transportation mainline transmission lines or higher pressure lateral and branch lines from lower pressure distribution systems.

(2) Type "B" The general building classification shall include the construction, alteration, repair and demolition of buildings, including office buildings, warehouses, industrial and commercial buildings, institutional and public buildings and all air-conditioning, conduit, heating and other mechanical and electrical works and site preparation for buildings or heavy engineering projects under this classifications; except that construction, alteration, repair and demolition of buildings under the scope of this classification shall not include construction, alteration, repair and demolition of buildings under the class "C" classification of Subsection A of 11.1.2.10 NMAC, of these regulations; stadia; and shall include electrical, gas, water, sewer lines and other

such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building or heavy engineering structure, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction from the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure.

(3) Type "C" The residential building construction classification shall include the site preparation and construction, alteration; repair and demolition of residential buildings and shall include all structures intended for residential occupancy, be it by owners of said properties or tenants, including, but not limited to, single detached buildings, duplexes, tri-plexes, quad-plexes, residential condominium buildings, apartment buildings not to exceed four stories in height; and shall include electrical, gas, water, sewer lines and other such utility construction which are part of projects under this classification and included within the property line or less than five (5) feet from the building, whichever is closer, provided, however, with regard to electrical utilities such construction shall include construction to the first attachment of incoming power source without regard to the property line or proximity to the building or the heavy engineering structure.

(4) Type "H" The heavy engineering construction classification shall include construction, alteration, repair and demolition of heavy engineering work such as railroad and geothermal projects, power generating plants, pump stations, natural gas compressing stations; covered reservoirs and sewage and water treatment facilities; concrete linings for canals, ditches and channels; concrete dams; earth dams of one million (1,000,000) cubic yards or over; radio towers, ovens, furnaces, kiln, silos, shafts and tunnels (other than highway shafts and tunnels), hydroelectric projects; and well drilling, telephone and electrical transmission lines which are part of general building and heavy engineering projects; mining appurtenances such as tipples, washeries and loading and discharging chutes, and specialized structures for testing, launching and recovering space and other rocket-type missiles; construction and installation of cross-country transportation mainline pipelines for the distribution of petroleum or natural gas, up to the first metering station or connection with the distribution pipelines; provided, "first metering station or connection" means that point which divides cross-country transportation mainline transmission lines or higher pressure lateral and branch lines from lower pressure distribution systems.

B. On contracts which involve more than one classification of construction, as defined in 11.1.2.10 NMAC the director shall issue predeterminations, including therein the appropriate wage rates for each classification of construction where none of the classifications comprises eighty percent (80%) of the total contract cost. Where one classification comprises eighty percent (80%) or more of the total contract cost, the predetermined rate for that classification shall be used for the entire contract.

[5/31/72, 1/14/76, 1/14/77, 6/4/79, 1/29/81, 11/4/88, 9/25/89, 7/11/92, 7/14/92, 2/14/94, 11/29/97; 5/15/00; 11.1.2.10 NMAC - Rn, 11 NMAC 1.1.10, 12/31/09; A, 3/15/12; A, 1/15/14]

11.1.2.12 PREDETERMINATION OF WAGE RATES:

A. Not later than July 30 of each year, interested parties may submit to the director for consideration collective bargaining agreements and other data collected during the preceding twelve-month period. Submissions must be made as provided in the following subparagraphs:

(1) Collective bargaining agreements filed with the division must be accompanied by a signed statement which is certified as true and correct to the best of the knowledge and belief of the person preparing the statement, under penalty of perjury, and which:

(a) certifies that the agreement filed is fully executed and in effect, unless it is a signed original agreement or photocopy thereof, or a printed copy of a fully executed agreement showing the names of the signatory parties or associations except in the case of a printed agreement the director may require certification;

(b) names or otherwise identifies all New Mexico counties within the jurisdiction of the local union or unions signatory to the agreement;

(c) along with the collective bargaining agreement, the following information must be provided to the division on a form to be furnished by the director: name and address of the signatory employer association or, if there be no signatory employer association, the names and addresses of all contractors signatory to the agreement, unless such information is contained in the agreement, the number of hours worked by workers in each classification under the terms of the agreement, the classification of each worker, the hourly rate actually paid each worker, the project type, the fringe benefit rate actually paid each worker, and, if practical, the counties in which work was performed; the director shall consider any information provided during the twelve-month period preceding June 30 of each year;

(2) Interested parties wishing submit information for employees not covered by a collective bargaining agreement must provide the following information to the division on a form to be furnished by the director: name and address of the employer or interested party, the number of hours worked by workers in each classification, the classification of each worker, the hourly rate actually paid each worker, the project type, the fringe benefit rate actually paid each worker, and, if practical, the counties in which work was performed. The information filed with the division must be accompanied by a signed statement which is certified as true and correct to the best of the knowledge and belief of the person preparing the statement, under penalty of perjury. The director shall consider any information provided during the twelve-month period preceding June 30 of each year.

B. The director may, consistent with the methodology set forth in Subsection D of 11.1.2.12 NMAC, determine that the rate established by a collective bargaining agreement is the general prevailing wage rate for each craft, classification or type of worker for any project in which a collective bargaining agreement has been filed with the division in accordance with 11.1.2.12 NMAC and that collective bargaining agreement covers the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC.

C. In setting the general prevailing wage rate, the director shall give due regard to information obtained during the director's determination of the prevailing wage rates and the prevailing fringe benefit rates and may consider the written data, personal opinions and arguments of interested parties pursuant to the methodology set forth in Subsection D of 11.1.2.12 NMAC.

D. The prevailing wage rate for laborers and mechanics for all job classifications shall be computed on a statewide basis without regard to zone, incentive, or subsistence pay. Working foreman hours shall be included in the determination of the prevailing wage for that particular craft by surveying hours worked with the majority of the mechanics in that classification paid by that contractor/subcontractor. Where working foremen are the only mechanics on that project, those hours will be surveyed at the predetermined rate issued on that project. Working foremen in groupings for truck drivers, operators, and laborers shall not be included. For each classification the general prevailing wage rate shall be determined as follows:

(1) If a collective bargaining agreement covering the same or most

similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC has been filed with the division in accordance with 11.1.2.12 NMAC, then the collective bargaining agreement is the general prevailing wage rate except as provided in Paragraphs (2) through (3) of Subsection D of 11.1.2.12 NMAC.

(2) If the data submitted pursuant to Subsection A of 11.1.2.12 NMAC for employees not covered by a collective bargaining agreement constitute thirty per cent (30%) or more of the man hours worked for a given classification, the director shall establish the prevailing wage rate for the classification as the weighted average of the total man hours, as determined using the methodology described in Paragraph (4) of Subsection D of 11.1.2.12 NMAC. The Total man hours for purposes of this subsection shall mean the number of hours worked in a classification by employees covered by a collective bargaining agreement plus the number of hours worked by employees not covered by a collective bargaining agreement, as reported to the division.

(3) In the event that no collective bargaining agreement covering the same or most similar class or classification of laborer or mechanic as set forth in 11.1.2.17 NMAC has been filed with the division in accordance with 11.1.2.12 NMAC then the director shall establish the prevailing wage rate based upon information through voluntary submissions and pursuant to a survey consistent with Subsection E of 11.1.2.12 NMAC.

(4) The base wage rate paid in each work classification shall be grouped in ten cent (\$.10) numerically consecutive intervals, beginning with \$.01 and including \$.105, from which a weighted average of each group shall be taken, (see the following example). Example:

Rates paid as follows would be grouped in this manner:

256 man hours at \$10.01 =	\$2,562.56
340 man hours at \$10.05 =	\$3,417.00
204 man hours at \$10.10 =	\$2,060.40
800 man hours (for group) into	\$8,039.96 = \$10.05 base wage for group
2,011 man hours at \$10.11 =	\$20,331.21
722 man hours at \$10.16 =	\$7,335.52
1,067 man hours at \$10.20 =	\$10,883.40
3,800 man hours (for group) into	\$38,550.13 = \$10.14 base wage for group
and so forth	

(5) Fringe benefits as part of wages shall be determined by applying [Subparagraph (a) of Paragraph (2)] Paragraph (4) of Subsection D of 11.1.2.12 NMAC to the total dollar amount of fringe benefits paid by each contractor multiplied by the number of hours for which the total was paid. The fringe benefit figure so determined shall be expressed by a single dollar figure representing the total dollar amount of fringe benefits prevailing as a lump sum, rather than by separate dollar amounts representing each individual category of fringe benefits found to be prevailing.

E. The director shall determine the prevailing wage rates and prevailing fringe benefit rates for job classifications based upon collective bargaining agreements after giving due regard to information obtained from all sources and the substantial evidence of industry practice gathered from surveys conducted employing the following procedures:

(1) Surveys and wage rate determinations shall be on a statewide basis.

(2) Separate surveys shall be prepared for the categories within the various crafts employed on contract work of a similar nature and wage rate differentials within each such craft as set forth in 11.1.2.18 NMAC; wage and fringe benefit determinations shall be issued on the basis thereof.

(3) The annual survey period shall be based upon data for the twelve- month period beginning July first and ending on June thirtieth of each year. The annual prevailing wage rates and prevailing fringe benefits rates determinations shall be and remain valid and the director shall issue to requesting agencies wage decisions based thereon until such prevailing wage rates and prevailing fringe benefit rates determinations are superseded by an effective new prevailing wage rates and prevailing fringe benefit rates determinations.

(4) Wage rate surveys prepared by the director shall be compiled from certified weekly payrolls and verified wage information submitted and prepared in accordance with Paragraph (9) of Subsection B of 11.1.2.9 NMAC.

(5) Wage and fringe benefit information on contract work of a similar nature but not subject to the terms of the New Mexico Public Works Minimum Wage Act shall be incorporated into the survey only so long as it is prepared and submitted in accordance with Paragraph (9) of Subsection B of 11.1.2.9 NMAC.

F. The director shall determine the employers' contribution requirements under the provisions of the Public Works Apprentice and Training Act, and that information shall be part of all public works construction projects.

G. In order to encourage the voluntary submission of wage information (whether in the form of verified wage information or certified payrolls) in connection with the director's wage rate surveys and in order to protect the privacy of employees with

respect to whom such wage information pertains, except pursuant to lawful process or to the exercise of the director's enforcement obligations under the Public Works Minimum Wage Act, neither the labor and industrial commission nor the director, or any member of the director's staff, shall disclose to any person the employee's name, address, social security number or any other information clearly personal to any employee with respect to whom wage information is received, submitted or otherwise in the possession of the director without having received the prior written consent of the employee.
[5/31/72, 1/14/76, 6/4/79, 11/4/88; 11.1.2.12 NMAC - Rn& A, 11 NMAC 1.1.12, 12/31/09; A/E, 4/15/10; A, 3/15/12; A, 1/15/14]

End of Adopted Rules Section

Submittal Deadlines and Publication Dates 2014

Volume XXV	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 31
Issue Number 3	February 3	February 14
Issue Number 4	February 17	February 28
Issue Number 5	March 3	March 14
Issue Number 6	March 17	March 31
Issue Number 7	April 1	April 15
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Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

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