

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 24 SHELTERING PROVIDERS
PART 2 LICENSURE AND CERTIFICATION

16.24.2.1 ISSUING AGENCY: New Mexico Board of Veterinary Medicine.
[16.24.2.1 NMAC - N, 7/1/18]

16.24.2.2 SCOPE: This part applies to applicants, licensees, certificate holders and persons or agencies within the jurisdiction of the board.
[16.24.2.2. NMAC - N, 7/1/18]

16.24.2.3 STATUTORY AUTHORITY: Section 61-14-5; Section 61-14-8; Section 61-14-9; Section 61-14-10; Section 61-14-12; Section 61-14-13; Section 61-14-14 and Section 61-14-15 NMSA 1978.
[16.24.2.3 NMAC - N, 7/1/18]

16.24.2.4 DURATION: Permanent.
[16.24.2.4 NMAC - N, 7/1/18]

16.24.2.5 EFFECTIVE DATE: July 1, 2018 unless a later date is cited at the end of a section.
[16.24.2.5 NMAC - N, 7/1/18]

16.24.2.6 OBJECTIVE: To provide for the most humane restraint, in-facility capture, and death possible for animals when euthanasia is required.
[16.24.2.6 NMAC - N, 7/1/18]

16.24.2.7 DEFINITIONS: [Reserved]

16.24.2.8 PRACTICING WITHOUT A LICENSE OR CERTIFICATE:

A. It is a violation of the act for a person, other than a veterinarian licensed to practice in New Mexico, to perform euthanasia for a euthanasia agency in this state unless the individual is licensed by the board pursuant to Subsection B of Section 77-1-6 NMSA 1978.

B. It is a violation of the act for an entity other than a veterinary facility to perform euthanasia unless the agency is licensed by the board pursuant to Subsection B of Section 77-1-8 NMSA 1978.
[16.24.2.8 NMAC - N, 7/1/18]

16.24.2.9 LICENSURE OR CERTIFICATION EXEMPTIONS:

A. The act does not apply to veterinarians licensed in New Mexico.

B. The act does not apply to wildlife rehabilitators working under the auspices of the department of game and fish.

C. A for profit veterinary facility serving as a euthanasia agency pursuant to a contract with a local government is exempt from the provisions of the act; provided that the veterinary facility is subject to licensure and rules adopted pursuant to the Veterinary Practice Act, Section 61-14-1 et. seq. NMSA 1978.

D. A municipal facility that is a zoological park is exempt from the provisions of the act.

E. A commissioned law enforcement officer is exempt from the act when conducting emergency field euthanasia or in situations where the public's health or safety is at risk or the animal is irremediably suffering.

F. The board may exempt a euthanasia instructor from the required euthanasia technician testing based upon review of the applicant's credentials and practical experience in shelter euthanasia. The applicant shall be required to obtain a euthanasia instructor certificate and is subject to the required certified euthanasia instructor duties.

[16.24.2.9 NMAC - N, 7/1/18]

16.24.2.10 CUSTODY AND ALTERATION OF LICENSE OR CERTIFICATE:

A. Licenses and certificates issued by the board are at all times the property of the board, and may remain in the custody of the licensee or certificate holder only as long as the licensee or certificate holder complies with the act and board rules.

B. Licenses and certificates shall not be altered or duplicated in any way.

C. Inspectors or board designees shall retrieve any license or certificate that is suspended, revoked, expired, or left by a licensee or certificate holder who is no longer employed at an establishment.
[16.24.2.10 NMAC - N, 7/1/18]

16.24.2.11 LICENSE OR CERTIFICATE NOT TRANSFERABLE: A license or certificate issued by the board pursuant to the act shall not be transferred or assigned.
[16.24.2.11 NMAC - N, 7/1/18]

16.24.2.12 DISPLAY OF LICENSE OR CERTIFICATE AND NOTIFICATION OF CHANGES:

A. A euthanasia technician license or a euthanasia agency license shall at all times be posted in the euthanasia room of the euthanasia agency, unless the euthanasia technician is working at a location other than the euthanasia agency. If the euthanasia technician is performing euthanasia offsite, the licensee shall have the license in his or her possession. Euthanasia instructor certificate holders shall have the certificate in his or her possession when teaching any board approved euthanasia technician training course.

B. Licensees and certificate holders shall notify the board of any change of address, phone or other contact information within 30 days. If a euthanasia agency has a change of address, its current license will be invalidated on the date the change in address is effective and the agency shall reapply to the board for a valid license in order to perform euthanasia.
[16.24.2.12 NMAC - N, 7/1/18]

16.24.2.13 APPLICATION FOR LICENSURE AS A EUTHANASIA TECHNICIAN:

A. In order to obtain a license as a licensed euthanasia technician, the applicant shall submit the following documentation and a completed application on a form provided by the board which may available online, accompanied by the required fees:

- (1) proof of age indicating the applicant is at least 18 years of age, such as a copy of a driver's license or a copy of a state issued identification card (do not submit a copy of a birth certificate);
- (2) two, two inch by two inch original photographs taken within the past six months;
- (3) a notarized authorization for release of information form;
- (4) state criminal history background check as specified in 16.24.2.17 NMAC;
- (5) verification that the applicant holds a high school diploma or its equivalent;
- (6) verification that the applicant holds a certificate of completion, or similar document, of a board approved euthanasia technician training course within three years preceding the date the application for licensure is submitted, which course shall be approved as described in 16.24.2.18 NMAC;
- (7) verification of passing a board approved examination administered by a certified euthanasia instructor at a board approved euthanasia training course with a grade of at least eighty percent;
- (8) passing an examination, administered by the board, with a grade of at least eighty percent;
- (9) any other information or verifications the board may request.

B. Sixty-day temporary euthanasia technician license.

(1) A temporary license may be issued at the discretion of the board. The temporary license is intended to assist a licensed euthanasia agency to hire trained personnel in the event the agency's only licensed euthanasia technician leaves the agency or is no longer able to perform euthanasia for any reason. The temporary license is valid for a period of no more than 60 calendar days. The temporary license cannot be renewed by the euthanasia technician. No more than one temporary license may be granted to an individual unless approved by the board in consideration of extenuating circumstances.

(2) To qualify for a temporary license, an applicant shall submit all items required in Paragraphs (1) through (6) of Subsection A of 16.25.11.12 NMAC.
[16.24.2.13 NMAC - N, 7/1/18]

16.24.2.14 APPLICATION FOR CERTIFICATION AS A EUTHANASIA INSTRUCTOR:

A. In order to obtain a certificate as a certified euthanasia instructor the applicant shall submit the following documentation and a completed application on a form provided by the board, which may be available online, accompanied by the required fees:

- (1) proof of age indicating the applicant is at least 21 years of age such as a copy of a driver's license or a copy of a state issued identification card (do not submit a copy of a birth certificate);
- (2) two, two inch by two inch original photographs taken within the past six months;

(3) a notarized authorization for release of information form;
(4) state criminal history background check as specified in 16.24.2.17 NMAC;
(5) verification that the applicant holds a high school diploma or its equivalent;
(6) verification that the applicant holds a certificate of completion of a board approved euthanasia technician training course, completed within one year preceding the date the application for certification is submitted;

(7) verification of passing a board approved examination for a board approved euthanasia technician training course with a grade of at least ninety percent;

(8) verification of at least one year of practical experience in the euthanasia of shelter animals preceding the date of application;

(9) any other information or verifications the board may request.

B. The board may exempt a euthanasia instructor from taking a required board approved euthanasia technician training course and test based upon review of the applicant's credentials and practical experience in shelter euthanasia. The applicant shall be required to obtain a euthanasia instructor certificate and is subject to the required certified instructor duties.

[16.24.2.14 NMAC - N, 7/1/18]

16.24.2.15 APPLICATION FOR LICENSURE AS A EUTHANASIA AGENCY: All agencies that will provide euthanasia services on or after January 1, 2010, shall be licensed by the board by January 1, 2010, or before performing euthanasia services if the agency does not begin performing euthanasia services until a later date. In order to obtain a license as a euthanasia agency, the applicant shall submit the following documentation and a completed application on a form provided by the board, which may be online, accompanied by the required fee:

A. the agency shall have at least one licensed euthanasia technician on staff who shall at all times be assisted by a trained assistant;

B. the agency shall provide the names of their current licensed euthanasia technicians at the time of application or renewal for licensure and shall notify the board when there is a change in licensed euthanasia technicians at the agency within 30 days;

C. the agency shall have a written contingency plan for providing euthanasia in the event the agency is without a licensed euthanasia technician;

D. the agency shall notify the board in the event it no longer has a licensed euthanasia technician on staff within 72 hours;

E. the agency shall keep accurate controlled substance and dangerous drug logs, in compliance with applicable state controlled substances laws, which shall be inspected quarterly according to the guidelines of the New Mexico pharmacy board and shall be made available to the board approved euthanasia agency inspector;

F. the agency shall identify and describe any contracts with a supervising veterinarian, a consulting pharmacist and any holder of DEA licenses;

G. the agency shall comply with board inspections;

H. the agency shall pay the license fee established by the board; and

I. the agency shall provide any other information or verifications the board may request.

[16.24.2.15 NMAC - N, 7/1/18]

16.24.2.16 APPLICATION FOR LICENSE OR CERTIFICATE RENEWALS:

A. Licenses and certificates shall be valid for one year from the date the license or certificate is issued. Each licensee or certificate holder shall, on or before the expiration date of the license or certificate submit a renewal form provided by the board and pay a renewal fee as established by the board. Holders of a license or certificate who fail to renew on or before the expiration date may not practice past the expiration date and may be considered to be practicing without a license. Any person may reinstate an expired license or certificate within three years of its expiration by making application to the board for renewal and paying the current renewal fee along with all delinquent renewal fees and late fees. After three years have elapsed since the date of expiration, a license or certificate may not be renewed and the holder shall apply for a new license or certificate and take the required examination. The board may assess a late fee on the applicant as established by the board. License or certificate holders shall also comply with Subsections B through D to renew a license or certificate, as applicable.

B. For each renewal, a euthanasia technician shall also:

(1) provide proof of having taken four hours of board-approved continuing education courses or in-service training during the prior year, which may include, but are not limited to, animal handling, euthanasia, recording and handling of controlled substances and dangerous drugs, shelter operations and teacher training

courses. Credit for non-contact forms of instruction including online training is accepted. A maximum of four credit hours may be accrued as excess and carried forward to the subsequent licensing year.

(2) complete any continuing education course specifically required by the board within the preceding twelve months;

(3) be responsible for proving the validity of the reported continuing education hours by submitting photocopies of seminar registrations or completion certificates, or similar documentation; and

(4) submit a request for course approval including a course description with course outline, the number of course hours, and agency teaching the course, in writing to the board if there is a question about whether a particular course, class, or seminar will be approved for credit.

C. For each renewal, a euthanasia instructor shall also:

(1) provide proof of having taken eight hours of board approved continuing education courses during the prior 12 months, which may include, but are not limited to, animal handling, euthanasia, recording and handling of controlled substances and dangerous drugs, shelter operations and teacher training courses. Credit for non-contact forms of instruction including online training is accepted. A maximum of eight credit hours may be accrued as excess and carried forward to the subsequent licensing year.

(2) complete any continuing education course specifically required by the board within the preceding twelve months;

(3) be responsible for proving the validity of the reported continuing education hours by submitting photocopies of seminar registrations or completion certificates, or similar documentation; and

(4) submit a request for course approval including a course description with course outline, the number of course hours, and agency teaching the course, in writing to the board if there is a question about whether a particular course, class, or seminar will be approved for credit.

D. For each renewal, a euthanasia agency shall also:

(1) submit to an inspection every other calendar year and correct any deficiencies found during its inspection;

(2) submit a current list of its licensed euthanasia technicians.

[16.24.2.16 NMAC - N, 7/1/18]

16.24.2.17 APPLICANT BACKGROUND CHECK PROCEDURE:

A. Pursuant to Subsection B of Section 77-1-5(N) NMSA 1978 all applicants for initial issuance or reinstatement of a license or certificate in New Mexico shall be required to establish positive identification for a state criminal history background check, except commissioned law enforcement officers.

B. Department of public safety authorization for release of information form shall be submitted to the department of public safety with a money order or cashier's check made out to the department of public safety, for the prescribed fee for the amount established by the department of public safety for the processing of state criminal history background checks.

[16.24.2.17 NMAC - N, 7/1/18]

16.24.2.18 CURRICULUM FOR BOARD APPROVED EUTHANASIA TECHNICIAN TRAINING

COURSES: In order to receive board approval for a euthanasia technician training course that will be taught on or after July 1, 2009, the euthanasia instructor shall submit a written request for approval to the board along with 12 copies of the instructor's manual, the course curriculum and a description of the test administered by the instructor. Courses will be approved until such time as the board revokes the approval. Approved courses will subject to annual review. The curriculum shall include the following.

A. animal anatomy and physiology as related to euthanasia;

B. euthanasia: the history, current standards, stages of euthanasia, best practices;

C. euthanasia by injection: acceptable sites (advantages, disadvantages, criteria for selecting which site), restraint for each type of injection, injection techniques and mechanics of each technique, acceptable euthanasia drugs, best practices;

D. pre-euthanasia anesthesia: uses, stages of anesthesia, criteria for judging depth of anesthesia, drugs for this use, administration sites and methods, best practices;

E. verification of death: proper and accurate methods of verification of death;

F. pharmaceuticals: controlled and non-controlled substances (types, method of actions, uses), dosage calculations, security and storage of both types of drugs, record keeping, drug logs, controlled substance logs, labeling of drug mixtures, material safety data sheets (MSDS sheets), inventory management;

- G.** proper disposal techniques: euthanized animals, drug waste, expired drugs, sharps, biohazardous or infectious waste;
 - H.** euthanasia by non-injection method: criteria for choosing case for non-injection method;
 - I.** emergency field euthanasia: methods and best practices for emergency field euthanasia;
 - J.** animal handling: humane handling techniques, techniques to reduce animal stress, restraint of wild or unsocialized animals, humane capture techniques for in-facility escapes;
 - K.** species other than dogs and cats: restraint techniques, acceptable and best euthanasia techniques for each species, public health concerns, rabies (description of disease, signs, submission procedures);
 - L.** euthanasia room: equipment and supplies (use and location), backup equipment, setup, lighting, safety measures; and
 - M.** staff health and safety concerns: zoonotic disease, emergency equipment (use, location), sharps handling and disposal, work place safety, safety equipment and apparel, eye wash station; compassion fatigue and euthanasia-related stress (recognition, reduction techniques, professional services).
- [16.24.2.18 NMAC - N, 7/1/18]

HISTORY OF 16.24.2 NMAC:

History of Repealed Material:

16.24.2 NMAC, Licensure and Certification, filed 5/14/2009 - Duration expired 7/21/2012.

16.24.2 NMAC, Licensure and Certification, filed 2/5/2014, repealed effective 6/30/2018.