

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.