

State of New Mexico
Board of Veterinary Medicine

SUSANA MARTÍNEZ
Governor



Rebecca J. Washburn, DVM
Chair

Frances R. Sowers
Executive Director and CFO

CERTIFIED MAIL NO. 7010 0780 0000 5272 8094
RETURN RECEIPT REQUESTED

June 24, 2016

Sunny Liu, Fiscal Analyst
Legislative Finance Committee
325 Don Gaspar
Santa Fe, New Mexico 87501

Dear Sunny:

I am enclosing the completed *Agency Self-Evaluation Report* as required by June 30, 2016. Please let me know if you have questions about the contents of the report.

Sincerely,

A handwritten signature in blue ink that reads "Frances R. Sowers".

Frances R. Sowers
Executive Director and CFO

Enclosure

7301 Jefferson Street, N.E., Suite H
Albuquerque, NM 87109-4363

Telephone 505.553.7021
Facsimile 505.553.7024



www.NMBVM.org



Table of Contents

I. Agency Contact Information	1
II. Key Functions and Performance	1
III. Policymaking Structure	10
IV. Funding	11
V. Organization.....	13
VI. Major Issues.....	13
VII. Other Contacts.....	14
VIII. Agency Comments	15

Instructions

Provisions of the New Mexico Sunset Act (12-9-19 NMSA 1978) require the Legislative Finance Committee (LFC) to schedule public hearings to receive testimony and determine if boards and commissions scheduled for sunset should be recommended for extension or be allowed to terminate.

Please complete the following agency self-evaluation report and return it to the LFC. Your department is responsible for demonstrating a public need for continuation of regulatory authority and recommending necessary amendments to enabling statutes that would improve operational efficiency. You may add or remove additional rows in any of the tables or replace the tables with your own charts and information where appropriate. We would appreciate your analysis, recommendation, and completed questionnaires by June 30, 2016. Contact LFC analyst, Sunny Liu, with any questions about this report.

Contact Information:

Sunny Liu
Fiscal Analyst
Legislative Finance Committee
325 Don Gaspar
Santa Fe, NM 87501
Telephone: 505.986.4550
Direct Line: 505.986.4572
sunny.liu@nmlegis.gov

Self-Evaluation Report: Board of Veterinary Medicine

I. Agency Contact Information

A. Please fill in the following chart.

Table 1: Key Agency Contacts

Position Title	Name	Address	Telephone & Fax Numbers	Email Address
Executive Director	Frances R. Sowers	7301 Jefferson St., N.E., Ste. H, Albuquerque, NM 87109	505-553-7021; Fax: 505-553-7024	director@NMBVM.org

II. Key Functions and Performance

A. Provide an overview of your agency's mission, objectives and key functions.

To protect the public by promoting quality veterinary care through regulation of veterinary medicine in the state of New Mexico; to be a resource in providing assistance and dissemination of current information affecting the public, licensees, permittees, and applicants.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?

If the agency's functions were to cease, the threat of zoonotic diseases and food contamination would increase exponentially.

C. Describe who or what this agency affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

The agency has a direct impact on the public as consumers and large and small animal owners. It is impossible to attach an amount to the persons or entities affected inter- and intra-state.

D. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?

The agency maintains excellent professional relationships with all State and Federal agencies, other state boards, veterinary medical associations, veterinary medical schools, veterinary technology programs, etc.

E. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

The entire environment, urban and suburban, has changed since the original statute was written and enacted. The statute must be updated to reflect New Mexico's commitment to protect the public, all animals and the professionals who serve the same constituents by providing veterinary medical care and services.

Proposed changes to individual segments of the statute have been made to the Legislature in the past, as recently as the 2016 session. None of the proposed changes have been adopted.

F. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies? If

Self-Evaluation Report: Board of Veterinary Medicine

applicable, briefly discuss any memorandums of understanding, interagency agreements, or interagency contracts.

The agency's functions do not overlap or duplicate those of another state or federal agency. The Agency works with many other agencies and has yet to find duplication. The Agency has not entered into any memorandums of understanding, interagency agreements or interagency contracts.

G. In general, how do other states carry out similar functions?

States with independent veterinary boards have essentially the same functions dependent on their respective statutes and rules.

H. What key obstacles impair your agency's ability to achieve its objectives?

The Agency functions very well in spite of all of the bureaucratic responsibilities and demands on the periphery.

I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

The Agency is not currently aware of changes in federal law or outstanding court cases that could have a negative impact on its key functions.

J. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed; regulation continues to be integral to the protection of the public and the public's pet animals and food animals.
- initial and continuing requirements for licensure, registration, or certificate applicants;
- For veterinarians: **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

Self-Evaluation Report: Board of Veterinary Medicine

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.

16.25.2.17 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.

16.25.6.8 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.

16.25.6.10 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.

Self-Evaluation Report: Board of Veterinary Medicine

- B. A registered veterinary technician license is lapsed if the license renewal is not postal postmarked on or before the December 31 expiration date.
- C. Registered veterinary technicians shall display at the business location, in full view of the public, the current year license renewal certificate.
- D. License fees:
 - (1) initial license fee is prorated from date of license issue to last day of December;
 - (2) annual renewal fee - \$75;
 - (3) inactive status - \$37.50. Annual continuing education requirement must be fulfilled and reported;
 - (4) license reactivation - \$50 along with completed application for reactivation and verification of required annual 8.00 continuing education hours while license in inactive status; and
 - (5) late renewal penalties:
 - (a) postal postmarked no later than 30 days after December 31 expiration date - \$25; or
 - (b) postal postmarked more than 30 days after December 31 expiration date - \$25 plus \$5 per day not to exceed \$300.
- E. Continuing education.
 - (1) Each registered veterinary technician licensed to practice in New Mexico must certify that he has completed at least eight hours of approved continuing education during the preceding year. The hours will be derived from seminars, short courses, or scientific programs approved by RACE, AVMA, NAVTA, or sponsored by a veterinary medical association, veterinary organization, university, or by the board. There will be no exemptions for age or retirement.
 - (2) A waiver of delinquent hours may be granted by the board if a request is made in writing. The hours must be made up in the next calendar year and is in addition to the current year annual CE requirement.
 - (3) Continuing education hours will be accumulated on an annual basis from January through December.
 - (4) A maximum of eight credit hours may be accrued as excess and carried forward to the subsequent licensing year.
 - (5) A form to be completed by the registered veterinary technician at the time of annual renewal will be provided by the board of veterinary medicine.
 - (6) The burden of proving the validity of the reported hours lies solely with the registered veterinary technician.
 - (7) A new licensee must comply with the continuing education requirement beginning the next full licensure year after graduation.
 - (8) In general, CE must be in the form of contact hours. Credit for non-contact forms of instruction including online training or articles in printed periodicals is accepted, if the instruction:
 - (a) is designed for veterinary technicians; and
 - (b) non-contact hours do not comprise more than half of the annual requirement of eight CE hours.
- For bovine artificial insemination and bovine pregnancy diagnosis technicians: **16.25.8.9 INSTRUCTION, EXAMINATIONS, AND LICENSING:**
- A. To obtain a bovine AI and bovine PD permit, an applicant must:

Self-Evaluation Report: Board of Veterinary Medicine

- (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.
- **16.25.8.10 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.
- **16.25.7.8 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.

Self-Evaluation Report: Board of Veterinary Medicine

- (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.
- **16.25.7.9 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.
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance;

Self-Evaluation Report: Board of Veterinary Medicine

- **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.
- the number and types of complaints received for the past three fiscal years; FY-2013 – 22 complaints; FY-2014 – 31 complaints; FY-2015 – 66 complaints.

Self-Evaluation Report: Board of Veterinary Medicine

- procedures for handling consumer/public complaints against regulated entities;
- The complaint must be specific and must be against a particular veterinarian (DVM) or veterinary technician (RVT) over whom the Board has jurisdiction i.e., a licensee licensed by the Board. If the complaint involves more than one licensee, please fill out a separate complaint form for each.
- Return the completed complaint form, detailed statement and any other documents and materials to:

New Mexico Board of Veterinary Medicine
7301 Jefferson St. N.E., Suite H
Albuquerque, New Mexico 87109

- **PROCESS:** A written, signed complaint begins a structured process. A letter of acknowledgement will be sent to the complainant upon receipt of the complaint. A complaint file is opened and assigned a complaint number. The complaint and all other materials attached will be sent to the respondent (licensee) indicating a complaint has been filed. The respondent has ten days from the date he receives the complaint to reply. Upon receipt of the reply, the complaint file will be submitted to the investigator for examination. The investigator will contact you and other parties to the complaint. A complaint committee will review all materials and findings and prepare a recommendation to be submitted to the full Board for its determination at one of its regularly scheduled quarterly meetings. The committee's recommendation and the Board's determination are based on the merits of the case. The names of the complainant and respondent are not provided to the Board or used in the discussion of the complaint by the Board. If it is the Board's decision to dismiss the complaint finding no violation of the Veterinary Practice Act, the complaint and information collected will remain confidential. If it is the Board's decision to pursue disciplinary action against the respondent, the complaint will become public information in accordance with the Inspection of Public Records Act. Upon the Board's determination, the complainant and respondent will be notified in writing within ten (10) days of its decision.
- **Please keep in mind** that complaint investigations focus on licensure and fitness of the licensee to practice veterinary medicine. In accordance with the Veterinary Practice Act 61-14-13A., the Board may reprimand, place on probation, enter into a stipulation, impose a fine, deny, suspend or revoke a license if disciplinary action is warranted.
- The Board of Veterinary Medicine can only take disciplinary action for violations of the State's Veterinary Practice Act. The Veterinary Practice Act is available at the Board's website: www.NMBVM.org. **The Board does not have jurisdiction over fee or billing disputes.** If you seek monetary restitution, consider filing a complaint with the Consumer Protection Division of the Office of the Attorney General, consulting an attorney, or filing a case in a court of law.
- **GENERAL INFORMATION ABOUT THE BOARD OF VETERINARY MEDICINE** its responsibilities for complaints, investigations, and discipline:
 - The Board of Veterinary Medicine is the State agency authorized by State law (the Veterinary Practice Act) to "conduct investigations necessary to determine violations of the Veterinary Practice Act and discipline persons found in violation," among other Board duties specified in the Practice Act. (Other duties include examination and licensure of veterinarians, veterinary technicians and regulation of veterinary facilities.)
 - The Board's disciplinary processes are governed by the State's Uniform Licensing Act (ULA), which applies to all of the State's professional regulatory/licensing boards. The ULA allows the Board no more than two years from the date the Board first receives a complaint to take legal action (if legal action is warranted) against the licensee named in the complaint. However, most cases are completed much sooner.

Self-Evaluation Report: Board of Veterinary Medicine

- issues surrounding enforcement of unregulated activity, if applicable.
Currently the statute set identifies the practice of veterinary medicine without a license as a misdemeanor, perhaps identifying non-licensure as a felony would deter the unregulated activity; and the need to set a fine amount to make it financially prohibitive to practice veterinary medicine without a license.

K. What are your agency's biggest opportunities for improvement in the future? Are these included in your agency's strategic plan?

Yes.

L. In the following chart, provide information regarding your agency's key performance measures including outcome, input, efficiency, and explanatory measures.

Table 2: Key Performance Measures

No.	Performance Measure	FY15 Actual	FY16 Actual	FY16 Target	FY17 Target
1	No. of facility licenses issued annually	298	312	305	
2	No. of facilities inspected annually	150	158	155	
3	Percent of inspected facilities meeting minimum standards	99%	99%	99%	
4	Percent of inspected facilities requiring a plan of correction	1%	1%	<1%	
5	Percent of facilities requiring adjudication to meet minimum standards	0%	<1%	<1%	
6	Number of registered veterinary technician licenses issued annually	197	200	210	
7	Number of veterinarian licenses issued annually	988	1094	1050	
8	Number of bovine artificial insemination/pregnancy diagnosis permits issued annually	57	56	80	
9	Attrition rate of all licenses annually	2%	3%	3%	
10	Percent of formal complaints resolved without disciplinary action	80%	63%	93%	
11	Number of months to resolution of disciplinary matter	4	6	3	
12	Percent of complaints resolved through adjudication	1%	12%	5%	
13	Percent of New Mexico veterinary technicians employed in state	91%	90%		
14	Percent of New Mexico-licensed veterinarians employed in state	61%	60%		

M. If applicable, explain why certain targets for key performance measures were not met.

8 – Licensed registered veterinary technicians have moved out of state or opted not to continue in the veterinary field.

10 - The number increased due to a pending hearing for possible disciplinary action against one veterinarian named in several complaints received by the Board.

12 – The number increased exponentially due to a pending hearing for possible disciplinary action against one veterinarian named in several complaints received by the Board.

13 – Measure was deleted effective FY-16.

14 – Measure was deleted effective FY-16.

N. Provide a timeline of your agency's history and key events, including:

- the date your agency was established;
1931
- the original purpose and responsibilities of your agency;
licensure and regulation of the practice of veterinary medicine in New Mexico
- major changes in responsibilities or statutory authority;
Unchanged.

Self-Evaluation Report: Board of Veterinary Medicine

- changes to your policymaking body's name or composition; Unchanged.
- significant changes in state/federal legislation, attorney general opinions, or funding; None.
- significant state/federal litigation that specifically affects your agency's operations; and None.
- key changes in your agency's organization (e.g., a major reorganization of the agency's divisions or program areas). None.

Table 3: Agency History and Major Events

Year	Major Event
2015	Board database updated.
2014	Board's rules updated and revised <i>in toto</i> .
2013	Board's application and licensing system streamlined.
2012	Board's website reconstructed <i>in toto</i> .

III. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Table 4: Policymaking Body

Member Name	Term/Appointment Dates/Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Rebecca J. Washburn, DVM	Governor-08/31/2009- Present	Professional representative	Capitan
John C. Wenzel, DVM	Governor-06/15/2010-Present	Professional representative	Silver City
Allison B. Stout, DVM	Governor-06/16/2010-Present	Professional representative	Las Cruces
Manuel A. Garcia, DVM	Governor-10/23/2012-Present	Professional representative	Farmington
Edward James Fallen, DVM	Governor-03/05/2014-Present	Professional representative	Albuquerque
Marybeth Brown-Pirrone	Governor-10/03/2011- Present	Public member	Las Cruces
Denai Forrest	Governor-07/30/2012-Present	Public member	Bosque Farms

B. Describe the primary role and responsibilities of your policymaking body.

The body:

1. Ensures its mandate to protect the public;
2. Ensures the practice of veterinary medicine in New Mexico is within the minimum standards;
3. Ensures that the Veterinary Practice Act and its rules are current effecting changes as the profession warrants; and
4. Provides oversight on fiscal and licensing matters.

C. How is the chair selected?

By nomination and a vote by the Board members.

D. Please list all vacant positions and the date of vacancy.

All statutorily required seven positions are filled.

E. List any special circumstances or unique features about your policymaking body or its responsibilities. State if there are any specific requirements for public or professional members.

Self-Evaluation Report: Board of Veterinary Medicine

Pursuant to the statute, there must be five licensed veterinarians and two public members who shall not have been licensed as veterinarians.

F. In general, how often does your policymaking body meet? How many times did it meet in the current fiscal year? How many times did it meet in the previous fiscal year?

The body meets four times in a calendar year; it met four times in FY-16 and FY-15.

G. What type of training do members of your agency's policymaking body receive?

While the body has not received training, it is anticipated that members will begin attending annual meetings of the American Association of Veterinary State Boards (AAVSB).

H. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

The agency does not have descriptions of respective roles of the body.

The agency has position descriptions for agency staff.

I. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?

The licensing and budgetary performances to-date are presented to the body at each general Board meeting.

J. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

The body makes itself available at all times to the public and members of the profession.

All issues brought to a member or members are discussed in open meeting by all Board members at the subsequent meeting.

K. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. N/A

Table 5: Subcommittees and Advisory Committees

Name of Subcommittee or Advisory Committee	Size/Composition/How are members appointed?	Purpose/Duties	Legal Basis for Committee

IV. Funding

A. Provide a brief description of your agency's funding.

The agency receives no general fund money, but rather other state funds through licensee, permittee and applicant fees.

B. Please fill in the following chart.

Table 6: Agency Budget Summary (dollars in thousands)

Category	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Projected
SOURCES				
General Fund Transfers	0	0	0	
Other Transfers	0	0	0	
Other Revenues	336.0		342.6	342.6
Fund Balance	0	0	0	0
SOURCES TOTAL	336.0	0	342.6	342.6
USES				

Self-Evaluation Report: Board of Veterinary Medicine

Personal Services and Employee Benefits	170.7	161.6	180.0	180.0
Contractual Services	104.2	85.0	106.7	106.7
Other Costs	60.2	54.5	55.9	55.9
Other Financing Sources (overhead)	0	0	0	0
TOTAL USES	335.1	301.1	342.6	342.6
FTE				
Permanent	3	3	3	3
Term	0	0	0	0
Temporary	0	0	0	0
TOTAL FTE POSITIONS	3	3	3	3

C. If you receive funds from multiple federal programs, show the types of federal funding sources. N/A.

Table 8: Federal Funds/Other Grants

Type of Fund	State/Federal Match Ratio	State Share	Federal Share	Total Funding
TOTAL				

D. If applicable, provide detailed information on fees collected by your agency.

Table 9: Fee Revenue

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited (i.e., Fund Name)
61-14-1 - 20	Statutory maximum amount not set	1670	313.2	NM Bd/Veterinary Exam

E. If fees are set by your agency, provide detailed information on how fees are determined. Include a description of any proposed changes to agency fee and revenue structure.

Fees are in line with fees set by state veterinary licensing boards nationwide. The Board is not currently considering imposing a license fee increase.

F. If contracted expenditures are made through this program, please provide:

- a short summary of the general purpose of the contracts; The Board currently contracts for the services of civil counsel due to the lack of competent civil counsel through the Office of the Attorney General.
- The Board contracts for the services of a facility inspector who must be a New Mexico-licensed veterinarian.
- The Board contracts for the services of an investigator who must be a New Mexico-licensed veterinarian.
- The Board contracts for the services of a third-party auditor as required by state statute.
- the expenditure amount for the latest fiscal year; The contract expenditure for FY 16 is \$110.5.
- the number of contracts accounting for those expenditures; Four contracts.
- top five contracts by dollar amount, including contractor and purpose;
 1. Professional services: Facility Inspector; Investigator; Alternates - \$96,500;
 2. Other contractual: Janitorial; Security Monitoring - \$5,000;
 3. Annual audit - \$8,000; and
 4. IT Services - \$1,000.
- the methods used to ensure accountability for funding and performance; Reporting to Executive Director and to Board at its open meetings;
- and

Self-Evaluation Report: Board of Veterinary Medicine

- a short description of any current contracting problems. There are no difficulties with the contractors or the contracts.

G. If applicable, provide a projection of ending cash balances for the latest fiscal year. If cash balances represent more than 5 percent of recurring appropriations, state reasons for this condition and any planned uses for remaining cash balances. N/A

V. Organization

A. Provide an organizational chart that includes major programs and divisions, showing the number of FTE in each program or division. Details should include, if possible, department heads with subordinates and actual FTE with budgeted FTE. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field or regional offices are used, if applicable.

B. Please fill in the following chart.

Table 10: Agency FTE and Vacancies

	FY15 Actual	FY16 Actual	FY17 Budget	FY18 Projected
Budgeted FTE Positions	3	3	3	3
Number of Actual FTE as of June 30	3	3	3	3
Annual Vacancy Savings (in dollars)	0	0	0	0

C. If applicable, fill in the chart below listing field or regional offices. N/A

Table 11: FTE by Location

Headquarters, Region, or Field Office	Location	Co-Location? Yes/No	Number of Budgeted FTE (latest fiscal year)	Number of Actual FTE as of June 1 (latest fiscal year)

D. List each of your agency's key programs or functions, along with expenditures and FTE by program.

Table 12: List of Program FTE and Expenditures

Key Function/Strategy	Number of Budgeted FTE (latest fiscal year)	Number of Actual FTE as of June 1 (latest fiscal year)	Actual Expenditures
Licensing and Regulating	3	3	342.6

VI. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue. Instead, this section is intended to give the Sunset Review committee a basic understanding of the issues so staff can collect more information during our detailed research on your agency.

Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done? Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal,

Self-Evaluation Report: Board of Veterinary Medicine

local, quasigovernmental, etc.) may be included, but the Sunset Review committee has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions which can be enacted in state law. This section contains the following three components.

A. Brief Description of Issue

1. Shelter medicine as it is practiced today has not been included in the Act in the past. It is imperative that the Board of Veterinary Medicine have jurisdiction over shelter veterinarians to ensure the safety of the public and the animals in the shelter veterinarians' care. Currently, no board or agency has jurisdiction or oversight over local government shelter veterinarians. Providing oversight would assure that animal shelter veterinarians are held to the same standards set out in the Board of Veterinary Medicine's Rules. The lack of oversight creates a greater risk to the public and shelter animals.

B. Possible Solutions and Impact. Provide potential recommendations to solve the problem.

1. The New Mexico Veterinary Medical Association will once again approach the 2017 Legislature to update the Veterinary Practice Act to provide oversight of shelter veterinarians by the Board of Veterinary Medicine. By removing local government veterinarians from exemption to the Veterinary Practice Act, the Board of Veterinary Medicine can regulate the standards of animal shelter veterinarians. The same action was presented to the 2016 Legislature; however, the session ran out of time despite receiving a Do Pass from the House and the Senate committee.

A. Brief Description of Issue

1. Currently, individuals practicing veterinary medicine without a license are undeterred by a cease and desist letter from the Board of Veterinary Medicine. Perhaps insertion of language into the Veterinary Practice Act giving the Board of Veterinary Medicine the authority to impose a larger fine than that allowed by the Uniform Licensing Act might serve as a deterrent. The authority to assess administrative, investigative and hearing costs is also allowed by the Uniform Licensing Act; however, insertion into the Act will allow the Board of Veterinary Medicine the authority to impose such costs. Individuals practicing veterinary medicine [without a license] pose a threat to the public safety due to the lack of education thereby exposing an unsuspecting public to possible exposure to zoonotic diseases. In addition, the harm these untrained, unlicensed individuals could cause to small domestic animals, large animals and food animals could also have a potentially far reaching detrimental impact on the public.

B. Possible Solutions and Impact. Provide potential recommendations to solve the problem.

The New Mexico Veterinary Medical Association will once again approach the 2017 Legislature to update the Veterinary Practice Act to authorize the Board of Veterinary Medicine to impose a large fine than that allowed by the Uniform Licensing Act and to assess administrative, investigative and hearing costs allowed by the Uniform Licensing Act. The same action was presented to the 2016 Legislature; however, the session ran out of time despite receiving a Do Pass from the House and the Senate committee.

VII. Other Contacts

A. Fill in the following chart with updated information on individuals or groups with an interest in your agency.

Table 15: Other Contacts

Group or Association Name/ Contact Person	Physical Address	Telephone Number	Email Address
New Mexico Veterinary Medical Assn.	60 Placitas Trails Road, Placitas, NM 87043	505-867-6373	byrdspoon@aol.com

Self-Evaluation Report: Board of Veterinary Medicine

VIII. Agency Comments

Provide any information needed to gain a preliminary understanding of your agency.

New Mexico statute established the Board of Veterinary Medicine to regulate the practice of veterinary medicine in New Mexico. New Mexico's veterinarians are responsible for protecting the state's meat, milk and poultry industries; the public from zoonotic disease; and the health and welfare of companion animals, your pets. The Board works closely with the Boards of Pharmacy and Livestock, the Department of Health, and the Solid Waste Bureau as well as the USDA, DEA and several other federal agencies.

The Board is governed by the New Mexico Practice Act and the Rules and Regulations promulgated by the Board. The Board is comprised of seven members: five DVMs and two public members; Dr. Rebecca J. Washburn is the current Chair. The Board meets four times a year in open meetings.

The Board operates with funds generated solely from the fees for the licensure of doctors of veterinary medicine, registered veterinary technicians, artificial insemination and pregnancy diagnosis technicians, and veterinary facilities. In fiscal year 2016, 1670 new and renewal licenses and permits were issued. The Board is located in Albuquerque and is staffed by an Executive Director and two support staff positions.

The Board's constituency consists of the general public and the professionals in the field of veterinary medicine. All licensure is renewable on an annual basis; facilities providing medical care to animals are inspected biennially. The Board contracts with a licensed DVM to conduct the facilities inspections throughout the state of New Mexico. The Facility Inspector inspects the physical plant and all records. The Inspector is also available to assist DVMs with any difficulties they are encountering in their practice. If deficiencies cited in an inspection report are not corrected within a reasonable length of time, the facility is presented to the Board for possible disciplinary action.

The Board also provides a process in which to file a complaint relative to a perceived lack of adequate medical services. The Board contracts with a licensed DVM to conduct investigations of the complaints. A complaint review committee comprised of Board members reviews the investigator's reports and presents the complaints to the Board for resolution. If warranted, and the complaint is egregious, disciplinary action is initiated by the Board.

DVMs work in research, medical schools, pathology, public health, slaughter houses, inspection facilities, and biomedical research. This work is performed within the medical, livestock and food preparation plant industries. DVMs work closely with dairy farms, feed lots and ranches protecting the nation's food supply to include illegal food animal products in an effort to keep diseases from contaminating food and herds. DVMs work closely with international groups to keep food and animals safe throughout the world.

The board office serves as a source and resource for the professionals and the general public.