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**HOUSE BILL 430**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Judy Vanderstar Russell**

**AN ACT**

**RELATING TO VETERINARY MEDICINE; AMENDING PROVISIONS OF THE  
VETERINARY PRACTICE ACT RELATING TO ISSUANCE OF LICENSES AND  
DISCIPLINARY ACTIONS; SPECIFYING PENALTY FOR VIOLATION OF THE  
ACT.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 61-14-10 NMSA 1978 (being Laws 1967,  
Chapter 62, Section 7, as amended) is amended to read:**

**"61-14-10. LICENSE BY ENDORSEMENT--LIMITED PRACTICE  
LICENSE--TEMPORARY LICENSE. --**

**A. Pursuant to its regulations, the board may  
issue a license without written examination, except an  
examination on state laws and other state and federal  
regulations related to the practice of veterinary medicine, to  
any qualified applicant who furnishes satisfactory evidence**

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1 that he is a graduate veterinarian and has, for the five years  
2 [~~next~~] prior to filing his application for New Mexico  
3 licensure, been a practicing veterinarian and licensed in a  
4 state, territory or district of the United States having  
5 license requirements at the time the applicant was first  
6 licensed that were substantially equivalent to the  
7 requirements of the Veterinary Practice Act on the date of his  
8 application for New Mexico licensure.

9 B. Pursuant to its regulations, the board may  
10 issue, with examination, a limited practice license in  
11 veterinary medicine, which limited practice license shall  
12 describe adequately that area of veterinary medicine that the  
13 licensee is entitled to practice.

14 [~~C. At its discretion, the board may examine,~~  
15 ~~orally or practically, any person qualifying for a license~~  
16 ~~under this section.~~

17 ~~D.]~~ C. The board may issue without examination a  
18 temporary [~~permit~~] license to practice veterinary medicine to

19 [~~(1) a qualified applicant for a license~~  
20 ~~pending examination, provided the applicant is a graduate~~  
21 ~~veterinarian and employed by and working under the direct~~  
22 ~~supervision of a licensed veterinarian provided:~~

23 (a) ~~the temporary permit shall expire~~  
24 ~~the day after the notice of results of the first examination~~  
25 ~~given after the permit is issued;~~



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1 Chapter 62, Section 9, as amended) is amended to read:

2 "61-14-13. DENIAL, SUSPENSION OR REVOCATION OF  
3 LICENSE. --

4 A. In accordance with the procedures contained in  
5 the Uniform Licensing Act, the board may deny, suspend for a  
6 definite period or revoke a license, certificate or permit  
7 held or applied for under the Veterinary Practice Act, or may  
8 reprimand, place on probation, enter a stipulation with or  
9 impose an administrative penalty in an amount not to exceed  
10 five thousand dollars (\$5,000) on a holder of a license,  
11 certificate or permit, upon a finding by the board that the  
12 licensee, certificate or permit holder, or applicant:

13 (1) has committed an act of fraud,  
14 misrepresentation or deception in obtaining a license or  
15 permit;

16 (2) has been adjudicated insane or manifestly  
17 incapacitated;

18 (3) has used advertising or solicitation that  
19 is false, misleading or is otherwise deemed unprofessional  
20 under rules promulgated by the board;

21 (4) has been convicted of a felony or other  
22 crime involving moral turpitude;

23 (5) is guilty of dishonesty, incompetence,  
24 gross negligence or other malpractice in the practice of  
25 veterinary medicine;

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1 (6) has a professional association with or  
2 employs any person practicing veterinary medicine unlawfully;

3 (7) is guilty of fraud or dishonesty in the  
4 application or reporting of any test for disease in animals;

5 (8) has failed to maintain his professional  
6 premises and equipment in a clean and sanitary condition in  
7 compliance with facility permit rules promulgated by the  
8 board;

9 (9) is guilty of habitual or excessive use of  
10 intoxicants or drugs;

11 (10) is guilty of cruelty to animals;

12 (11) ~~[has had his license]~~ was licensed to  
13 practice veterinary medicine ~~[revoked by another]~~ in any  
14 state, territory or district of the United States ~~[on grounds~~  
15 ~~other than nonpayment of license or permit fees]~~ and was the  
16 subject of disciplinary action as a licensee for acts similar  
17 to acts described in this section;

18 (12) is guilty of unprofessional conduct by  
19 violation of a rule promulgated by the board pursuant to  
20 provisions of the Veterinary Practice Act;

21 (13) has failed to perform as a veterinary  
22 technician under the direct supervision of a licensed  
23 veterinarian;

24 (14) has failed as a licensed veterinarian to  
25 reasonably exercise direct supervision with respect to a

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1 veterinary technician;

2 (15) is guilty of aiding or abetting the  
3 practice of veterinary medicine by a person not licensed,  
4 certified or permitted by the board;

5 (16) has used any controlled drug or  
6 substance on any animal for the purpose of illegally  
7 influencing the outcome of a competitive event;

8 (17) has willfully or negligently  
9 administered a drug or substance that will adulterate meat,  
10 milk, poultry, fish or eggs;

11 (18) has failed to maintain required logs and  
12 records;

13 (19) has used a prescription or has sold any  
14 prescription drug or prescribed extra-label use of any over-  
15 the-counter drug in the absence of a valid veterinarian-  
16 client-patient relationship;

17 (20) has failed to report, as required by  
18 law, or has made a false report of any contagious or  
19 infectious disease;

20 (21) has engaged in an unfair or deceptive  
21 practice; or

22 (22) has engaged in the practice of  
23 veterinary medicine on any animal or group of animals in the  
24 absence of a valid veterinarian-client-patient relationship.

25 B. Disciplinary proceedings may be instituted by

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1 sworn complaint by any person and shall conform with the  
2 provisions of the Uniform Licensing Act.

3 C. ~~[Any]~~ A person whose license, certificate or  
4 permit is suspended or revoked by the board pursuant to  
5 provisions of this section may, at the discretion of the  
6 board, be relicensed or reinstated by the board at any time  
7 without examination upon written application to the board  
8 showing cause to justify relicensing or reinstatement."

9 Section 3. Section 61-14-18 NMSA 1978 (being Laws 1967,  
10 Chapter 62, Section 13, as amended) is amended to read:

11 "61-14-18. PRACTICING WITHOUT LICENSE--PENALTY. -- ~~[It is~~  
12 ~~a misdemeanor for any]~~ A person [to practice] who practices  
13 veterinary medicine without complying with the provisions of  
14 the Veterinary Practice Act and without being the holder of a  
15 license entitling him to practice veterinary medicine in New  
16 Mexico is guilty of a misdemeanor and shall be sentenced in  
17 accordance with the provisions of Section 31-19-1 NMSA 1978. "