

**TITLE 16
CHAPTER 25
PART 10**

**OCCUPATIONAL AND PROFESSIONAL LICENSING
VETERINARY MEDICINE PRACTITIONERS
DISBURSEMENTS FROM THE ANIMAL CARE AND FACILITY FUND**

16.25.10.1 **ISSUING AGENCY:** New Mexico Board of Veterinary Medicine.
[16.25.10.1 NMAC-N, 1/14/2025]

16.25.10.2 **SCOPE:** These rules apply to all organizations and individuals applying for disbursements from the animal care and facility fund.
[16.25.10.2 NMAC-N, 1/14/2025]

16.25.10.3 **STATUTORY AUTHORITY:** Section 61-14-7.1, NMSA 1978 directs the animal sheltering committee of the New Mexico board of veterinary medicine to develop criteria for individuals, nonprofit organizations, animal shelters and euthanasia agencies to receive monetary assistance for dog and cat spaying and neutering from the animal care and facility fund; and recommend to the board the disbursements of money from the animal care and facility fund to eligible individuals, nonprofit organizations, animal shelters and euthanasia agencies.
[16.25.10.3 NMAC-N, 1/14/2025]

16.25.10.4 **DURATION:** Permanent.
[16.25.10.4 NMAC-N, 1/14/2025]

16.25.10.5 **EFFECTIVE DATE:** January 14, 2025
[16.25.10.5 NMAC-N, 1/14/2025]

16.25.10.6 **OBJECTIVE:** To establish criteria and procedures for the disbursement of funds from the Animal Care and Facility Fund to eligible recipients for providing spay and neuter services to dogs and cats.
[16.25.10.6 NMAC-N, 1/14/2025]

16.25.10.7 **DEFINITIONS:**

- A.** **“Animal Sheltering Committee”** is as established pursuant to Section 61-14-7.1, NMSA 1978
 - B.** **“Disbursement”** means payment of monies from the animal care and facility fund pursuant to the requirements in, Section 77-1B-4, NMSA 1978. Eligible applicants will receive monies in advance of services provided pursuant to the terms of the application, except that eligible individual applicants will receive reimbursement paid directly to providers for services performed.
 - C.** **“Eligible applicant”** means:
 - (1)** an animal shelter, euthanasia agency, or non-profit organization in good standing with the Secretary of State in the state of licensure; or
 - (2)** an individual with a household income that does not exceed two hundred percent of the federal poverty level guidelines as published by the U.S. department of health and human services.
 - D.** **“Fund”** means the animal care and facility fund established in Subsection (A) of Section 77-1B-4, NMSA 1978, including the statewide spay and neuter subaccount established in Subsection (D) of Section 77-1B-4, NMSA 1978.
 - E.** **“Monies”** means fees, income and money in the animal care and facility fund, including money in the statewide spay and neuter subaccount.
 - F.** **“Qualified service provider”** means a veterinarian or other licensed provider of spay/neuter services to eligible applicants in New Mexico.
 - G.** **“Qualified”** means licensed to provide veterinary services in New Mexico and in good standing with the Board as well as with the provider’s licensing entity.
- [16.25.10.7 NMAC-N, 1/14/2025]

16.25.10.8 **DETERMINATION OF APPLICANT ELIGIBILITY:**

- A.** All organizations or individuals seeking disbursements from the animal care and facility fund shall submit a completed application on a form approved by the animal sheltering committee.
- B.** The application shall include:

- (1) the name, business address and nonprofit tax ID number in the case of organizations with such status;
 - (2) the name of the qualified service provider expected to provide spay and neuter services if not the organization itself; and
 - (3) such other information as determined by the board.
- C. The animal sheltering committee shall update application guidelines as necessary.
[16.25.10.8 NMAC-N, 1/14/2025]

16.25.10.9 OBLIGATIONS OF SUCCESSFUL APPLICANTS:

- A. Applicants receiving disbursements from the animal care and facility fund shall:
- (1) maintain all relevant organizational documents showing that they are in good standing with the Secretary of State;
 - (2) submit an amended application in the event that their proposed scope of services or proposed service provider(s) change, which amendment shall be submitted within 60 days of such change;
 - (3) submit an annual report based on the date of initial approval, to the board that shall include:
 - (a) the number of spay and neuter surgeries that the organization has sponsored or performed during the relevant period, which is one year from the date of disbursement of money unless otherwise specified and sanctioned in the application;
 - (b) the average cost of each spay and neuter surgery performed;
 - (c) certification that the recipients of the services performed have household incomes not exceeding two hundred percent of the federal poverty level guidelines;
 - (d) any other information as determined by the Animal Sheltering Committee or the Board.
 - (4) submit additional reports as required by the Board.
 - (5) perform or facilitate the performance of spay and neuter surgeries for cats and dogs residing in New Mexico.
 - (6) monies unspent before the deadline given shall be returned to the NMBVM to be reverted to the Animal Care and Facility Fund.
- [16.25.10.9 NMAC-N, 1/14/2025]

16.25.10.10 SUBMISSIONS FOR DISBURSEMENT BY INDIVIDUAL APPLICANTS: To qualify for a disbursement, individual applicants shall provide:

- A. the names, addresses and means of contact for the persons responsible for the dog(s) or cat(s) receiving the service;
 - B. a statement that the person or persons identified above has a household income that does not exceed two hundred percent of the current federal poverty level guidelines published by the United States Department of Health and Human Services; and
 - C. the name and address of a proposed, qualified service provider to whom the monies will be paid directly.
- [16.25.10.10 NMAC-N, 1/14/2025]

16.25.10.11 LOSS OF STATUS

- A. An otherwise eligible applicant for disbursement of money from the animal care and facility fund may be denied future disbursements for the following reasons:
- (1) failure to submit its annual report as required in Paragraph 3 of Subsection A of 16.25.10.9 NMAC;
 - (2) failure to remain in good standing with the Secretary of State where the organization was incorporated; or
 - (3) failure to comply with the policies, procedures or other requests from the animal sheltering committee or board.
- B. The animal sheltering committee shall recommend any loss of status to the board for consideration at a public meeting. The board shall provide the organization at issue 20 days' notice of such determination by certified mail to the service's business address on file and may optionally and additionally provide such notice electronically. The board may deliberate on any loss of status in closed session pursuant to Paragraph (3) of Subsection (H) of Section 10-15-1, NMSA 1978, of the Open Meetings Act.

[16.25.10.11 NMAC-N, 1/14/2025]

16.25.10.12 PROCEDURE FOR BOARD APPROVAL OF DISBURSEMENTS:

- A.** A majority of a quorum of the Animal Sheltering Committee shall recommend to the Board disbursements of money from the fund that comply with this part.
- B.** A majority of the Board shall timely approve, amend, or deny the amount to be disbursed as recommended by the Animal Sheltering Committee, or partial amount, during the open meeting.
- C.** The Board shall provide written notice to the successful applicants, whose applications have been approved or approved as amended, within 10 days of approval.
- D.** Within 10 days of board approval of a disbursement, the board's executive director or the director's designee shall sign a voucher to submit to the secretary of finance and administration pursuant to Subsection (E) of Section 77-1B-4, NMSA 1978.

[16.25.10.12 NMAC-N, 1/14/2025]

HISTORY OF 16.25.10 NMAC: [RESERVED]