

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 19 PHARMACISTS
PART 31 EMERGENCY PROVISIONS

16.19.31.1 ISSUING AGENCY: Board of Pharmacy.
[16.19.31.1 NMAC - N, 4/3/2006; A, 9/14/2021]

16.19.31.2 SCOPE: All pharmacies, resident and non-resident, as defined in Subsections S and Z of Section 61-11-2 NMSA 1978, and all persons or entities that own or operate, or are employed by, a pharmacy for the purpose of providing pharmaceutical products or services. Pharmacists and technicians subject to licensure, registration, and regulation by the Board of Pharmacy. Practitioners subject to registration by the Board of Pharmacy pursuant to Section 30-31-12 of the Controlled Substances Act.
[16.19.31.1 NMAC - N, 4/3/2006; A, 9/14/2021]

16.19.31.3 STATUTORY AUTHORITY: Paragraph (1) of Subsection A of Section 61-11-6 NMAC 1978 authorizes the Board of Pharmacy to adopt, regularly review and revise rules and regulations necessary to carry out the provisions of the Pharmacy Act, Sections 61-11-1, 61-11-2, 61-11-4 to 61-11-28 NMSA 1978. Paragraph (3) of Subsection A of Section 61-11-6 NMSA 1978 provides for the issuance and renewal of licenses for pharmacists. Paragraph (4) of Subsection A of Section 61-11-6 authorizes the Board of Pharmacy to require and establish criteria for continuing education as a condition of renewal of licensure for pharmacists. Paragraph (16) of Subsection A of Section 61-11-6 NMSA 1978 authorizes the Board of Pharmacy to register and regulate qualifications, training and permissible activities of pharmacy technicians. Paragraph (6) of Subsection A of Section 61-11-6 NMSA 1978 requires that the Board of Pharmacy provide for the licensing of retail pharmacies and nonresident pharmacies and for the inspection of their facilities and activities. Section 30-31-11 NMSA 1978 authorizes the Board of Pharmacy to promulgate regulations and charge reasonable fees for the registration and control of the manufacture, distribution and dispensing of controlled substances. Section 30-31-12 NMSA 1978 requires Board registration to engage in activities relating to controlled substances including possession, dispensing, prescribing or conducting research.
[16.19.31.1 NMAC - N, 4/3/2006; A, 9/14/2021]

16.19.31.4 DURATION: Permanent.
[16.19.31.4 NMAC - N, 4/3/2006]

16.19.31.5 EFFECTIVE DATE: April 3, 2006, unless a later date is cited in the history note at the end of a Section.
[16.19.31.5 NMAC - N, 4/3/2006]

16.19.31.6 OBJECTIVE: The objective of Part 31 of Chapter 19 is to ensure the safe and competent delivery of quality pharmaceutical products and services to the public by establishing standards for the operation of pharmacies, including but not limited to minimum space requirements and standards for equipment, accessories, personnel, dispensing, labeling and advertising during emergency situations.
[16.19.31.6 NMAC - N, 4/3/2006]

16.19.31.7 DEFINITIONS: The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

A. Emergency situation - and emergency caused by a natural or manmade disaster or any other exceptional situation that causes and extraordinary demand for pharmacist services.

B. Sponsoring pharmacy - a pharmacy licensed by the board in which the emergency temporary pharmacist will practice.

C. State - One of the 50 United States of America, the District of Columbia, and Puerto Rico.
[16.19.31.7 NMAC - N, 4/3/2006]

16.19.31.8 EMERGENCY TEMPORARY PHARMACIST LICENSE:

A. Emergency temporary pharmacist license. In an emergency situation, the board may grant a pharmacist who holds a license to practice pharmacy in another state an emergency temporary pharmacist license to practice in New Mexico. The following is applicable for the emergency temporary pharmacist license.

(1) An applicant for an emergency temporary pharmacist license under this section must:

(a) hold a current pharmacist license in another state and that license and other licenses held by the applicant in any other state may not be suspended, revoked, canceled, surrendered, or otherwise restricted for any reason; and

(b) be sponsored by a pharmacy with an active license in New Mexico.

(2) To qualify for an emergency temporary pharmacist license, the applicant must submit an application including the following information:

(a) name, address, and phone number of the applicant;

(b) name and license number of the pharmacist-in-charge of the sponsoring pharmacy;

(c) name and license number of the sponsoring pharmacy; and

(d) any other information that is required by the board.

(3) An emergency temporary pharmacist license shall be valid for a period as determined by the executive director of the board not to exceed six months. The executive director, in his/her discretion, may renew the license for an additional six months, if the emergency situation still exists.

(4) The board will notify the sponsoring pharmacy of the approval of an emergency temporary pharmacist license.

B. Limitations on practice. A holder of an emergency temporary pharmacist license:

(1) may only practice in the sponsoring pharmacy; and

(2) must notify the board in writing, prior to beginning employment in another sponsoring pharmacy.

[16.19.31.8 NMAC - N, 4/3/2006]

16.19.31.9 PROVISIONS FOR PHARMACIST LICENSURE DURING DECLARED DISASTER:

A. Emergency provisions for license by endorsement. Pharmacist currently licensed in a state in which a federal disaster has been declared may be licensed by endorsement in New Mexico during the four months following the declared disaster at no cost with the following requirements:

(1) receipt of a completed application which has been signed and notarized accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) other required verification will be obtained online if possible by board staff to include:

(a) current licensure status;

(b) national pharmacists data bank;

(c) national association of boards of pharmacy disciplinary database; and

(3) nothing in this provision shall constitute a waiver of the requirements for licensure contained in 16.19.2 NMAC.

B. License expiration. Pharmacist licenses under 16.19.2 NMAC shall expire six months after issue date.

[16.19.31.9 NMAC - N, 4/3/2006]

16.19.31.10 PROVISIONS FOR PRACTITIONER CONTROLLED SUBSTANCES REGISTRATION DURING A DECLARED DISASTER:

A. Emergency provisions for registration by endorsement. Practitioners currently possessing a temporary license issued by a New Mexico regulatory agency and possessing a current drug enforcement administration controlled substance registration in a state in which a federal disaster has been declared may be registered by endorsement in New Mexico during the four months following the declared disaster at no cost with the following requirements:

(1) receipt of a completed application which has been signed and accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) other required verification will be obtained online if possible by board staff to include: current licensure status, national practitioners data banks; and

(3) nothing in this provision shall constitute a waiver of the requirements for licensure contained in 16.19.20 NMAC.

B. Registration expiration. Practitioners registrations issued under 16.19.20 NMAC shall expire six months after issue date.

[16.19.31.10 NMAC - N, 4/3/2006]

16.19.31.11 PROVISIONS FOR PHARMACIST OR PHARMACY TECHNICIAN, UNAVAILABLE TESTING OR TRAINING:

A. During a declared civil or public health emergency resulting in unavailable required testing or training, the board may authorize a temporary extension for a:

- (1) temporary pharmacist license under reciprocity issued pursuant to 16.19.3 NMAC;
- (2) pharmacy technician registration;
- (3) pharmacist to exercise prescriptive authority pursuant to 16.19.26 NMAC (e.g. current

live basic life support/cardiopulmonary resuscitation).

B. Pharmacists and technicians are to complete required testing or training as soon as practicable.
[16.19.31.11 NMAC - N, 9/14/2021]

HISTORY OF 16.19.31 NMAC: [RESERVED]