

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 19 PHARMACISTS
PART 1 GENERAL PROVISIONS

16.19.1.1 ISSUING AGENCY: Regulation and Licensing Department - Board of Pharmacy, Albuquerque, NM.
[02-15-96; 16.19.1.1 NMAC - Rn, 16 NMAC 19.1.1, 03-30-02; A, 08-16-10]

16.19.1.2 SCOPE: All Board of Pharmacy members and employees.
[02-15-96; 16.19.1.2 NMAC - Rn, 16 NMAC 19.1.2, 03-30-02]

16.19.1.3 STATUTORY AUTHORITY: The board of pharmacy is authorized under 61-11-6(A)(1) NMSA 1978 to adopt, regularly review and revise rules and regulations necessary to carry out the provisions of the Pharmacy Act, 61-11-1, 61-11-2, 61-11-4 to 61-11-28 NMSA 1978. Section 61-11-6(A)(3) directs the board to provide for the issuance and renewal of licenses for pharmacists. Sections 61-11-6(A)(12), (13) and (14) NMSA 1978 authorize the board to employ and define the duties of an executive officer, inspectors, and qualified employees. Section 61-11-5(B) NMSA 1978 directs the board to meet at least once every three months.
[02-05-96; 7-31-98; 16.19.1.3 NMAC - Rn, 16 NMAC 19.1.3, 03-30-02]

16.19.1.4 DURATION: Permanent.
[02-15-96; 16.19.1.4 NMAC - Rn, 16 NMAC 19.1.4, 03-30-02]

16.19.1.5 EFFECTIVE DATE: February 15, 1996, unless a different date is cited at the end of a Section or Paragraph. This Part reformatted for inclusion into the New Mexico Administrative Code (NMAC) effective 2-15-96.
[02-15-96; 07-31-98; 16.19.1.5 NMAC - Rn, 16 NMAC 19.1.5, 03-30-02]

16.19.1.6 OBJECTIVE: The objective of Part 1 of Chapter 19 is to establish the location for regular meetings of the board, designate persons to preside over board meetings, establish standards for employees and members who are required to give surety bonds, and provide for employee job descriptions and a registry of pharmacists.
[02-15-96; 16.19.1.6 NMAC - Rn, 16 NMAC 19.1.6, 03-30-02]

16.19.1.7 DEFINITIONS: [RESERVED]
[02-15-96; 16.19.1.7 NMAC - Rn, 16 NMAC 19.1.7, 03-30-02]

16.19.1.8 MEETINGS:

- A. The chairman of the board shall preside at all meetings, preserve order, appoint committees and decide all questions of order subject to appeal to the board. In the absence of the chairman, the vice-chairman or a member of the board shall preside. Roberts Rules of Order shall govern all proceedings.
- B. Meetings shall be held in the office of the board unless a waiver is requested by a majority of the board.
- C. Examinations shall be administered at a place or location specified by the board.

[08-27-90; 16.19.1.8 NMAC - Rn, 16 NMAC 19.1.8, 03-30-02]

16.19.1.9 PENALTIES: As provided in the Uniform Licensing Act, those individuals found to have violated provisions of 61-11-20(A) may be fined up to \$1,000 for each violation committed plus the cost of the hearing and incurred investigative expenses.
[08-27-90; A, 07-31-98; 16.19.1.9 NMAC - Rn, 16 NMAC 19.1.9, 03-30-02]

16.19.1.10 EXECUTIVE DIRECTOR: The duties and responsibilities of the executive director or any employee of this board shall be those which are detailed in the job descriptions filed with the state personnel department.
[08-27-90; 16.19.1.10 NMAC - Rn, 16 NMAC 19.1.10, 03-30-02]

16.19.1.11 REGISTRY: Registry of pharmacists to be maintained by the board shall record the name, registry number, date of registration, grades of examination by subject, and if by reciprocity, the name of the state from which examined.

[08-27-90; 16.19.1.11 NMAC - Rn, 16 NMAC 19.1.11, 03-30-02]

16.19.1.12 PROTECTED ACTIONS AND COMMUNICATIONS:

A. All written and oral communication made by any person to the board or any committee of the board relating to actual or potential disciplinary action, which includes complaints made to the board or the committee, shall be confidential communications and are not public records for the purposes of the Inspection of Public Records Act [Chapter 14, Article 2 NMSA 1978]. All data, communications and information acquired, prepared or disseminated by the board or a committee relating to actual or potential disciplinary action or its investigation of complaints shall not be disclosed except to the extent necessary to carry out the purposes of the board or the committee or in a judicial appeal from the actions of the board or the committee or in a referral of cases made to law enforcement agencies, national database clearinghouses or other licensing boards.

B. Information contained in complaint files is public information and subject to disclosure when the board or the committee acts on a complaint and issues a notice of contemplated action or reaches a settlement prior to the issuance of a notice of contemplated action.

[16.19.1.12 NMAC - N, 08-16-10]

HISTORY OF 16.19.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

BOP 69-2, Rules and Regulations of the State Board of Pharmacy, 6-13-69.

BOP 69-3, New Mexico Laws and Regulations, Pharmacy Act, Drug and Cosmetic Act, Narcotic Drug Act, Poisons Act, Board of Pharmacy Rules and Regulations, 8-15-69.

BOP 72-1, New Mexico Board of Pharmacy Rules and Regulations Promulgated Pursuant to New Mexico Drug and Cosmetic Act, Pharmacy Act, Controlled Substances Act, 7-31-72.

Regulation No. 1, Board of Pharmacy, 2-7-80.

Regulation No. 1, Board of Pharmacy, 10-23-85.

Regulation No. 1, Board of Pharmacy, 2-2-87.

Regulation No. 1, Board of Pharmacy, 7-27-90.

History of Repealed Material:

BOP 72-1, New Mexico Board of Pharmacy Rules and Regulations Promulgated Pursuant to New Mexico Drug and Cosmetic Act, Pharmacy Act, Controlled Substances Act - Repealed, 10-29-85.

Other History:

16 NMAC 19.1, Pharmacists - General Provisions, filed 02-02-96, reformatted and renumbered to 16.19.1 NMAC, General Provisions, effective 03-30-2002.