

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 10    MEDICINE AND SURGERY PRACTITIONERS**  
**PART 16        ADMINISTERING, PRESCRIBING AND DISTRIBUTION OF MEDICATION**

**16.10.16.1        ISSUING AGENCY:** New Mexico Medical Board, hereafter called the board.  
[16.10.16.1 NMAC - Rp 16.10.16.1 NMAC, 9/10/2019]

**16.10.16.2        SCOPE:** This part applies to physician assistants and their supervising physicians.  
[16.10.16.2 NMAC - 16.10.16.2 NMAC, 9/10/2019]

**16.10.16.3        STATUTORY AUTHORITY:** This part is promulgated pursuant to the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.  
[16.10.16.3 NMAC - 16.10.16.3 NMAC, 9/10/2019]

**16.10.16.4        DURATION:** Permanent.  
[16.10.16.4 NMAC - 16.10.16.4 NMAC, 9/10/2019]

**16.10.16.5        EFFECTIVE DATE:** September 10, 2019 unless a later date is cited at the end of a section.  
[16.10.16.5 NMAC - 16.10.16.5 NMAC, 9/10/2019]

**16.10.16.6        OBJECTIVE:** This part sets forth the manner in which a physician assistant may prescribe, administer, dispense and distribute dangerous drugs.  
[16.10.16.6 NMAC - 16.10.16.6 NMAC, 9/10/2019]

**16.10.16.7        DEFINITIONS:**

- A.        “Administer”** means to apply a drug directly to the body of a patient by any means.
  - B.        “Dispense”** means to deliver a drug directly to a patient and includes the mixing, labeling and repackaging of a drug from a bulk or original container.
  - C.        “Distribute”** means to administer or supply to a patient under the direct care of the distributing physician assistant prepared or repackaged drugs or the manufacturer’s original container(s), containing a quantity suitable for the prescribed treatment or condition.
  - D.        “Established physician assistant-patient relationship”** means a relationship between a physician assistant and a patient that is for the purpose of maintaining the patient’s well-being. At a minimum, this relationship is established by an interactive encounter between patient and physician assistant involving an appropriate history and physical or mental status examination sufficient to make a diagnosis and to provide, prescribe or recommend treatment, with the informed consent from the patient and availability of the physician assistant or coverage for the patient for appropriate follow-up care. A medical record must be generated by the encounter.
  - E.        “Physician assistant”** means a health professional who is licensed by the board to practice as a physician assistant.
  - F.        “Prescribe”** means to issue an order individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written or electronic order signed by the prescriber, bearing the name and address of the prescriber, license classification, the name and date of birth of the patient, the name of the drug prescribed, direction for use and the date of issue.
- [16.10.16.7 NMAC - 16.10.16.7 NMAC, 9/10/2019]

**16.10.16.8        PRESCRIBING, ADMINISTERING, DISPENSING AND DISTRIBUTING DANGEROUS DRUGS:**

- A.        Physician assistants may prescribe, administer, dispense and distribute dangerous drugs; including Schedule II-V controlled substances, where there is an established physician assistant-patient relationship. Physician assistants must comply with all other state and federal laws regulating prescribing, administering, dispensing and distributing dangerous drugs including Schedule II-V controlled substances.**
- B.        A physician assistant may only provide pharmaceuticals within the extent of their scope of practice and training. Physician assistants may not provide dangerous drugs to individuals for other than those that they**

have a physician assistant-patient relationship.  
[16.10.16.8 NMAC - 16.10.16.8 NMAC, 9/10/2019]

#### **HISTORY OF 16.10.16 NMAC:**

**Pre-NMAC History:** Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

NMBME Rule 79-15, Rules and Regulations Pertaining to Physicians' Assistants, filed 10/4/1979.

86-2, Physicians Assistants, filed, 2/5/1986.

89-PA7, Physician Assistant-Administering and Prescribing Dangerous Drugs Other Than Controlled Substances, 6/16/1989.

89-PA 8, Physician Assistant- Distribution of Medications, filed 6/16/1989.

PA Rule 7, Physician Assistant-Administering and Prescribing Dangerous Drugs, filed 10/27/1994.

PA Rule 8, Physician Assistants - Distribution of Medications, filed 10/27/1994.

#### **NMAC History:**

16 NMAC 10.16, Administering, Prescribing and Distribution of Medications, filed 3/5/1997.

#### **History of the Repealed Material:**

16 NMAC 10.16, Administering, Prescribing and Distribution of Medications filed 3/5/1997 - Repealed, 6/8/2001.

16.10.16 NMAC, Administering, Prescribing and Distribution of Medications filed 6/8/2001 - Repealed 9/10/2019.

#### **NMAC History:**

16 NMAC 10.16, Administering, Prescribing and Distribution of Medications filed 3/5/1997 was replaced by 16.10.16 NMAC, Administering, Prescribing and Distribution of Medications, effective 7/15/2001.

16.10.16 NMAC, Administering, Prescribing and Distribution of Medications filed 6/8/2001 was replaced by 16.10.16 NMAC, Administering, Prescribing and Distribution of Medications, effective 9/10/2019.