

NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene for the purpose of conducting a regular board meeting and rule hearing on October 21, 2021. The meeting will continue until finished. If the meeting agenda items are not finished by 5:00 p.m., the Board will convene on October 22nd at 9:00 a.m. and continue until finished. Given the declared public health emergency due to COVID-19, the meeting will be held virtually via Cisco WebEx.

Location: Virtual meeting

October 21, 2021

Meeting link <https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e53bb0ac59f31b17815c692d6324eb0a5>

Meeting number: 146 766 2710

Password: R3zESYCCC72

Join by phone +1-415-655-0002 United States Toll

Access code: 146 766 2710

October 22, 2021

Meeting link <https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e81c50dac9952a2971a5973b547caa78a>

Meeting number: 146 694 4364

Password: 4qYxUAunC22

Join by phone +1-415-655-0002 United States Toll

Access code: 146 694 4364

The agenda is posted 72 hours prior to the scheduled meeting. You may view and download a copy of the agenda through the board's website: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/pharmacy/pharmacy-board-information/pharmacy-board-meetings/>. All proposed language regarding rule hearings is linked to the *Agenda*, the *Notice to the Public* on our website and the *New Mexico Sunshine Portal*.

Individuals petitioning the board regarding requests/waivers and/or interested persons wishing to comment on proposed language regarding rule hearings must submit documentation for presentation; via fax (505) 222-9845, mail or email to the Board Administrator, Gabriella Romero, gabriella.romero@state.nm.us at least one week in advance of the scheduled meeting, as public comment is allowed during the rule hearing. On the morning of the hearing beginning at 8:00 a.m. and ending when the rule hearing adjourns, a Board of Pharmacy representative will be stationed at the board office, located at 5500 San Antonio Drive NE, Albuquerque, NM 87109, to receive written comments regarding the rule hearings and also to convey them to the Board. Public attendance will be limited to remote participation. Oral participation by members of the public will be limited to those comments and discussion through audiovisual means.

The board may go into Executive Session to discuss items pursuant to Section 10-15-1H(1), Section 10-15-1H(2), Section 10-15-1H(3) or Section 10-15-1H(7) of the Open Meeting Act. Agenda items may be executed at any time during the meeting to accommodate hearings.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Gabriella Romero 505-222-9835 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Gabriella Romero, at 505-222-9835 or e-mail gabriella.romero@state.nm.us if a summary or other type of accessible format is needed.

The Board will address:

All Board Matters:

Rule Hearings: October 21, 2021 9:10 a.m.

16.19.4 NMAC – PHARMACIST: Section 1, administrative update. Section 3, update to statutory authority. Section 8, defining gross immorality and enumerating disqualifying criminal convictions that may result in license suspension, or refusal to grant or renew a license issued by the board. The board is not barred from denying an application or disciplining a licensee for conduct in violation of the Pharmacy Act (Chapter 61, Article 11 NMSA 1978), the Drug Device and Cosmetic Act (Chapter 26, Article 1 NMSA 1978), the Controlled Substances Act (Chapter 30, Article 31 NMSA 1978), the Imitation Controlled Substances Act (Chapter 30, Article 31A NMSA 1978), or the Drug Precursor Act (Chapter 30, Article 31B NMSA 1978), or similar act of another state or of the United States, or pursuant to the Impaired Health Care Provider Act (Chapter 61, Article 7 NMSA 1978), or the Impaired Pharmacists Act (Chapter 61, Article 11 NMSA 1978). Section 11, update citation and add allowance for custodial care facilities to stock naloxone for opioid overdose (rescue).

STATUTORY AUTHORITY: Subsection B of Section 61-1-36 NMSA 1978, Subsection B of Section 28-2-3 NMSA 1978, Section 28-2-4 NMSA 1978, and Paragraph 1 of Subsection A of Section 61-11-6 NMSA 1978.

16.19.12 NMAC – FEES: Section 3, update to statutory authority. Section 9, waive registration fees for United States military service members, spouses, dependent children, and veterans who are applying for pharmacist licensure by reciprocity. Section 12, waive initial renewal fees for United States military service members, spouses, dependent children, and veterans who obtained pharmacist licensure by reciprocity.

STATUTORY AUTHORITY: Section 61-1-34 NMSA 1978

16.19.22 NMAC – SUPPORT PERSONNEL AND PHARMACY TECHNICIANS: Sections 1 and 3, administrative updates. New section 16, allowing pharmacy technician administration of vaccines under outlined requirements.

STATUTORY AUTHORITY: Subsection A of Section 61-11-6 NMSA 1978

16.19.27 – DISHONORABLE CONDUCT: Section 1, administrative update. Section 3, update to statutory authority. Section 7, defining and enumerating disqualifying criminal convictions that may result in license or registration suspension, or refusal to grant or renew a license or registration issued by the board. The board is not barred from denying an application or disciplining a licensee (including a registrant) for conduct in violation of the Pharmacy Act (Chapter 61, Article 11 NMSA 1978), the Drug Device and Cosmetic Act (Chapter 26, Article 1 NMSA 1978), the Controlled Substances Act (Chapter 30, Article 31 NMSA 1978), the Imitation Controlled Substances Act (Chapter 30, Article 31A NMSA 1978), or the Drug Precursor Act (Chapter 30, Article 31B NMSA 1978), or similar act of another state or of the United States, or pursuant to the Impaired Health Care Provider Act (Chapter 61, Article 7 NMSA 1978), or the Impaired Pharmacists Act (Chapter 61, Article 11 NMSA 1978).

STATUTORY AUTHORITY: Subsection B of Section 61-1-36 NMSA 1978, Subsection B of Section 28-2-3 NMSA 1978, and Section 28-2-4 NMSA 1978

Executive Director's Report:

Disciplinary Hearing(s): October 21, 2021, 1:30 p.m. William Gardner CS00019456, Case # 2021-002 Order to Show Cause

October 21, 2021, 2:15 p.m. Teerada Sujithamrak, pharmacist license applicant, Case # 2020-064

Additional hearing(s), if scheduled, will be included in the agenda

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