

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 April 21, 2022. The meeting will continue until finished. If the meeting agenda items are not finished by 5:00 p.m., the Board will convene on April 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

April 21, 2022

Meeting link <https://nmrld.webex.com/nmrld/onstage/g.php?MTID=ece328f6b6ec721d9c7b889e3feefcdc8>

Meeting number: 2480 750 3228

Password: wmQU3Zybp65

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

Access code: 2480 750 3228

April 22, 2022

Meeting link <https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e4eaefaf21a8dff77d947ac9c64e61ffc>

Meeting number: 2492 978 9980

Password: P3pQ5BPpTD7

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

Access code: 2492 978 9980

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: April 21, 2022 at 9:10 a.m.

16.19.4 NMAC - PHARMACISTS - Sections 9, 16 and 17 administrative updates. Section 9, amended to exclude dispensing other opioid antagonist as authorized in Section 24-23-1 NMSA 1978 from definition of unprofessional or dishonorable conduct. Section 11, to include schedule V in drugs that may not be returned to inventory under return of patient medication package drugs. New subsections under consultant pharmacist clinic facility for Class E clinic specifying consultant pharmacist visitation frequency and activities. Section 12, clarified to specify that a licensee must appear before the board as a condition of consideration of reinstatement. Section 17, amended to include schedule III in requirement for pharmacist clinician utilization of PMP in opioid treatment programs.

STATUTORY AUTHORITY: Paragraph (1) of Subsection A of Section 61-11-6 NMSA, 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.

16.19.10 NMAC - LIMITED DRUG CLINICS - Section 1, administrative update. Section 3, administrative updates and reference additional paragraphs of Subsection B of Section 61-11-14 to correspond to listed facility types. Amend facility types listed to correspond to limited drug clinic categories. Section 7, defining “Mobile Narcotic Treatment Program.” Section 10, amended to include schedule V controlled substances in records that may be kept in same record as dangerous drugs with entry identification. Section 11, update statute citation, and add new subsection e - Class E Narcotic Treatment Program (NTP). Under patient counseling, specify additional allowance for use of alternative forms of patient information to supplement patient counseling when appropriate. Drug storage, Class E clinics- 96 square foot room. Disposition of unwanted or outdated drugs, added specification that controlled substance disposition shall occur in accordance with 16.19.20.38 NMAC. New section T, outlining NTP clinic requirements.

STATUTORY AUTHORITY: Paragraph (6) of Subsection A of Section 61-11-6 NMSA 1978, Paragraphs (6), (7), (12), and (13) of Subsection B of Section 61-11-14 NMSA 1978 and Subsection (A) of Section 26-1-16 NMSA 1978.

Executive Director’s Report:

Disciplinary Hearing(s):

April 21, 2022, 1:30 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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