

NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene on July 21st and 22nd, 2022 at 9:00 a.m. and continue until finished in the Board of Pharmacy Conference Room located at 5500 San Antonio Dr., NE, Albuquerque, NM 87109 for the purpose of conducting a regular board meeting.

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. Public comment is also allowed during the rule hearing.

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: July 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.

Disciplinary Hearing(s): note – the information below is tentative. Final hearing date and time for each case will be included in the agenda posted to the board’s website at least 72 hours before the meeting. Additional hearing(s), if scheduled, will be included in the agenda.

July 21, 2022, 1:30 p.m. Carl Carothers, Pharmacy technician application, Case 2022-005

July 21, 2022, 2:00 p.m. Aileen Arviso, Pharmacy technician application, Case 2022-020

Executive Director’s Report:

Published in NM Register: June 7, 2022

Published in Albuquerque Journal: June 7, 2022