NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene on April 20th and 21st, 2023 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, Davilyn Valencia at the general e-mail pharmacy.board@rld.nm.gov at least one week in advance of the scheduled meeting, as public comment is allowed during the rule hearing.

The board may go into Executive Session to discuss items pursuant to Paragraph (1) of Section 10-15-1H, Paragraph (2) of Section 10-15-1H, Paragraph (3) of Section 10-15-1H or Paragraph (7) of Section 10-15-1H 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 Board Administrator, Davilyn Valencia, at 505-222-9830 or e-mail pharmacy.board@rld.nm.gov if a summary or other type of accessible format is needed.

The Board will address:

All Board Matters:

Rule Hearings: April 20, 2023 at 9:10 a.m.

16.19.10 NMAC – LIMITED DRUG CLINICS – Subsection T of Section 11 is clarified by specifying that supplying of methadone is pouring and labeling the take home dose.

STATUTORY AUTHORITY: Paragraph (6) of Subsection A of Section 61-11-6 NMSA 1978 requires the Board of Pharmacy to provide for the licensing of industrial and public health clinics and for the inspection of their facilities and activities. Pursuant to Paragraphs (6), (7), (12), and (13) of Subsection B of Section 61-11-14 NMSA 1978, the Board is authorized to issue drug permits, as defined and limited by Board regulation, for industrial health clinics, community health clinics, animal control facilities, and wholesalers, retailers and distributors of veterinary drugs. Subsection (A) of Section 26-1-16 NMSA 1978 prohibits the sale, disposal or possession of any dangerous drug except by individuals and entities identified in the statute, including clinics licensed by the Board.

16.19.20 NMAC – CONTROLLED SUBSTANCES – Section 41, removal of reference to DATA waived practitioner. Section 65, addition of numerous substances to schedule I: opioids (renumber fentanyl related substances, add several fentanyl analogs and other opioids), add substances to opium derivatives, depressants, and hallucinogens sections. Section 66, add substances to opioids section. Section 68, add brexanolone (depressant), deschedule fenfluramine. Add substances to stimulants and other substances section. Section 69, add substances to depressants section. All additions are for the purposes of aligning part 20 with federal DEA schedules, including emergency scheduling actions. Bromazolam has not been federally scheduled, however the board is proposing placement in Schedule I. Bromazolam is expected to have similar actual or relative abuse, pharmacological effect, and potential to produce psychic or physiological dependence liability similar to the other benzodiazepines that were

added to Schedule I by the DEA under emergency scheduling in December of 2022. In addition, the board has received reports indicative of abuse in New Mexico (forensic laboratory findings of bromazolam in tablets bearing markings of alprazolam and in fentanyl tablets). Central nervous system depressants, if ingested with opioids, can significantly increase risk of overdose death.

STATUTORY AUTHORITY: Section 30-31-11 of the Controlled Substances Act, 30-31-1 through 30-31-42 NMSA 1978, authorizes the board of pharmacy to promulgate regulations and charge reasonable fees for the registration and control of the manufacture, distribution and dispensing of controlled substances. Paragraph (2) of Subsection B of Section 61-11-6 NMSA 1978 authorizes the board to provide by regulation for the electronic transmission of prescriptions.

Disciplinary Hearing(s): no disciplinary hearings are currently scheduled. If scheduling occurs, the 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.

Executive Director's Report:

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