

**TITLE 7           HEALTH**  
**CHAPTER 32   ALCOHOL AND DRUG ABUSE**  
**PART 7         OVERDOSE PREVENTION AND EDUCATION PROGRAM AUTHORIZATION FOR**  
**OPIOID ANTAGONISTS**

**7.32.7.1       ISSUING AGENCY:** Department of Health; Public Health Division; Infectious Disease Prevention and Control Bureau.

[7.32.7.1 NMAC - Rp, 7.32.7.1 NMAC, 7/15/2016]

**7.32.7.2       SCOPE:** This rule applies to all New Mexico department of health registered overdose prevention and education programs that obtain, prescribe, dispense, distribute, or administer an opioid antagonist.

[7.32.7.2 NMAC - Rp 7.32.7.2 NMAC, 7/15/2016]

**7.32.7.3       STATUTORY AUTHORITY:** The statutory authority for adopting these rules is found in Subsection E of Section 9-7-6 NMSA 1978 (Department of Health Act) and Subsection J of Section 24-23-1 NMSA 1978 which requires the secretary of health to “promulgate rules relating to overdose prevention and education programs.”

[7.32.7.3 NMAC - Rp 7.32.7.3 NMAC, 7/15/2016]

**7.32.7.4       DURATION:** Permanent.

[7.32.7.4 NMAC - Rp, 7.32.7.4 NMAC, 7/15/2016]

**7.32.7.5       EFFECTIVE DATE:** July 15, 2016, unless a later date is cited at the end of a section.

[7.32.7.5 NMAC - Rp, 7.32.7.5 NMAC, 7/15/2016]

**7.32.7.6       OBJECTIVE:** The objective of these regulations is to reduce mortality due to opioid overdose by increasing the administration, distribution, prescription and dispensation of opioid antagonists to individuals who are at risk of opioid overdose and to individuals, such as family members, friends or other persons, who may be in a position to assist individuals who are experiencing an overdose. These regulations shall set standards for the establishment of standing orders to obtain, store, distribute and administer an opioid antagonist; the establishment of overdose prevention and education programs and standards for them to register, obtain, store, and distribute naloxone; the establishment of standards for overdose prevention curricula, training and the certification of individuals to store and distribute opioid antagonists for the overdose prevention and education programs.

[7.32.7.6 NMAC - Rp, 7.32.7.6 NMAC, 7/15/2016]

**7.32.7.7       DEFINITIONS:**

**A.       “Administration of opioid antagonist”** means the direct application of an opioid antagonist to the body of an individual by injection, inhalation, ingestion or any other means.

**B.       “Department”** means the New Mexico department of health.

**C.       “Dispense”** means to evaluate and implement a prescription for an opioid antagonist, including the preparation and the delivery of a drug or device to a patient or patient’s agent;

**D.       “Distribute”** means to deliver an opioid antagonist drug or opioid antagonist device by means other than by administering or dispensing;

**E.       “Enrollment form”** means the form approved by the department to register an individual as a trained targeted responder.

**F.       “Licensed prescriber”** means any individual who is authorized by law to prescribe an opioid antagonist in the state.

**G.       “Medication log”** means the form used to track the storage and distribution of the opioid antagonist.

**H.       “Opioid”** means any substance containing or derived from opium including, but not limited to morphine and heroin, and any morphine-like synthetic narcotic that produces the same effects as substances derived from the opium poppy.

**I.       “Opioid antagonist”** means a drug approved by the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body. “Opioid antagonist” shall be limited to naloxone or other like medications that are indicated for use in reversing an opioid overdose and are approved by the department for such purpose.

**J. “Overdose prevention and education program (OPE)”** means any community-based organization, law enforcement agency, detention facility or school that has registered with the department in accordance with department rules and uses an approved department curriculum to teach overdose prevention and opioid antagonist administration.

**K. “Overdose response educator”** means any staff or volunteer who is registered with an *overdose prevention and education program* who are trained and certified by the department in the *overdose response education curriculum*.

**L. “Overdose response educator curriculum”** means a department approved curriculum to train and certify overdose response educators, which must be repeated every two years.

**M. “Possess”** means to have physical control or custody of an opioid antagonist.

**N. “Record of use form”** means the department designated report for the use or loss of an opioid antagonist, the response to a suspected opioid overdose or the re-issuance of an opioid antagonist to a trained targeted responder.

**O. “Standing order”** means a licensed prescriber’s instruction or prescribed procedure that is either patient specific or non-patient specific that can be exercised by other persons until changed or canceled by a licensed prescriber.

**P. “Storage”** means possession of an opioid antagonist with the intent to dispense or distribute it.

**Q. “Trained targeted responder”** means a person who is trained by overdose response educators to possess and administer an opioid antagonist to a person who is experiencing an opioid overdose, and has completed the *trained targeted responder curriculum*.

**R. “Trained targeted responder curriculum”** means a department approved curriculum for trained targeted responders.

[7.32.7.7 NMAC - Rp, 7.32.7.7 NMAC, 7/15/2016]

#### **7.32.7.8 REQUIREMENTS FOR OVERDOSE PREVENTION AND EDUCATION PROGRAMS, OVERDOSE RESPONSE EDUCATORS AND TRAINED TARGETED RESPONDERS:**

**A. Overdose prevention and education program requirements:** An *overdose prevention and education program* is a program which facilitates the distribution of opioid antagonists and provides education related to overdoses, overdose prevention and the administration of opioid antagonists. An *overdose prevention and education program* shall:

(1) register with the department using the form approved by the department which shall include at a minimum:

(a) date of registration;

(b) *overdose prevention and education program* name; and

(c) name, address, e-mail and telephone number of *overdose prevention and education*

*program* contact;

(2) identify who will be overdose response educators;

(3) train or verify overdose response educators have successfully completed and maintained a current certification in the *overdose response educator curriculum*;

(4) enroll trained targeted responders using the enrollment form;

(5) train or verify trained targeted responders have completed the trained targeted responder curriculum;

(6) identify and maintain a secure location for the storage of the opioid antagonists designated for distribution in accordance with these regulations;

(7) label the opioid antagonist in accordance with these regulations;

(8) utilize the record of use form to report all known uses or losses of an opioid antagonist, responses to a suspected opioid overdose, or the re-issuance of an opioid antagonist to a trained targeted responder;

(9) maintain personal protective equipment and response equipment at training locations;

(10) provide trained targeted responders with necessary response equipment; and

(11) be prepared for scheduled and unscheduled site visits by the department where the department may review the maintenance of enrollment forms, record of use forms, medication logs and any other information required to be maintained pursuant to these rules.

**B. Overdoes response educators shall:**

(1) successfully complete the *overdose response educator curriculum* and maintain this certification;

(2) comply with the terms of a standing order issued by a licensed prescriber, which may include possession of opioid antagonists and distribution of the opioid antagonist to trained targeted responders;

(3) teach trained targeted responders the *trained targeted responder curriculum*; and

(4) complete medication log, enrollment forms and record of use forms for trained targeted responders.

**C. Trained targeted responders:**

(1) are trained in the *trained targeted responder curriculum*; and

(2) shall report all known responses to suspected opioid overdoses to an *overdose prevention and education program* using the record of use form.

[7.32.7.8 NMAC - Rp, 7.32.7.9 & 10 NMAC, 7/15/2016]

**7.32.7.9 REQUIREMENTS FOR DISTRIBUTION OF OPIOID ANTAGONIST:**

**A.** The New Mexico department of health public health division pharmacy warehouse can distribute the opioid antagonist to any registered *overdose prevention and education program*.

**B.** Standing orders from a department licensed prescriber for the distribution of an opioid antagonist shall include at a minimum:

(1) authorization to maintain supplies of opioid antagonists for the purposes of distributing them as part of the department's overdose prevention efforts;

(2) authorization for overdose response educators to possess and distribute the opioid antagonist to trained targeted responders;

(3) instructions for overdose response educators to educate and advise clients of overdose prevention methods, recognizing an overdose, and potential contraindications and precautions.

**C.** Medication log, enrollment forms and record of use forms shall be utilized by an *overdose prevention and education program* in order to document the distribution and administration of opioid antagonists.

[7.32.7.9 NMAC - Rp, 7.32.7.10 NMAC, 7/15/2016]

**7.32.7.10 REQUIREMENTS FOR STORAGE OF THE OPIOID ANTAGONIST:**

**A.** Any opioid antagonist designated for distribution by an *overdose prevention and education program* must be stored in a secure designated location.

(1) The location must be locked with entry limited to overdose response educators and other individuals as designated by the *overdose prevention and education program*.

(2) A medication log of the opioid antagonist must be maintained, and include the following information, at minimum:

(a) lot numbers of the opioid antagonist;

(b) expiration dates of the opioid antagonist;

(c) date, quantity of opioid antagonist doses and the name of the individual who is removing the opioid antagonist from the secured location for distribution;

(d) date, quantity of opioid antagonist doses and the name of the individual who is returning doses of the opioid antagonist to the secured location if they have not been distributed; and

(e) for doses of the opioid antagonist distributed, the medication log must also include the name and date of birth of the trained targeted responder, the date of distribution, lot number of each opioid antagonist dose and the expiration date of each opioid antagonist dose.

**B.** Any registered *overdose prevention and education program*, may make an opioid antagonist available for use in response to a possible overdose incident. The opioid antagonist designated for use at an *overdose prevention and education program* for a possible overdose response shall be stored in a secure but accessible location.

[7.32.7.10 NMAC - Rp, 7.32.7.10 NMAC, 7/15/2016]

**7.32.7.11 LABELING OF THE OPIOID ANTAGONIST:**

**A.** The *overdose prevention and education program* shall label the opioid antagonist prior to it leaving the designated secure storage location which shall include:

(1) the name and address of the *overdose prevention and education program* distributing the opioid antagonist; and

(2) the text "use as directed."

**B.** At the time of distribution of an opioid antagonist to a trained targeted responder, the overdose response educator shall complete the following information on the label:

(1) name of the trained targeted responder;

(2) date of distribution of the opioid antagonist; and

C. At the time of distribution of an opioid antagonist to a trained targeted responder, the overdose response educator will provide directions for use of the opioid antagonist.

[7.32.7.11 NMAC - N, 7/15/2016]

**7.32.7.12 MINIMUM REQUIREMENTS FOR ENROLLMENT AND RECORD OF USE FORMS:**

- A. The enrollment form shall include at a minimum:
- (1) name of the *overdose prevention and education program*;
  - (2) department designated code of the trained targeted responder; and
  - (3) the quantity of the opioid antagonist distributed.
- B. The record of use form shall contain at a minimum:
- (1) the name of the *overdose prevention and education program* recording the report;
  - (2) the department designated code of the reporting trained targeted responder;
  - (3) the quantity of the opioid antagonist administered, lost, or expired;
  - (4) the date or approximate date of the overdose incident, if there is one being reported;
  - (5) the disposition of the person who was administered the opioid antagonist; and
  - (6) the quantity of the opioid antagonist distributed.

[7.32.7.12 NMAC-N, 7/15/2016]

**7.32.7.13 APPLICABILITY OF REGULATIONS:** In the event an approved opioid antagonist is classified as an “over the counter” (OTC) medication the following portions of these regulations shall no longer be applicable: 7.32.7.9, 7.32.7.10, 7.32.7.11 NMAC. Department protocols will remain in effect.

[7.32.7.13 NMAC-N, 7/15/2016]

**History of 7.32.7 NMAC:**

**Pre - NMAC History:** None.

**History of Repealed Material:**

7.32.7 NMAC, Authorization to Administer Opioid Antagonists, filed 6/1/2001.

7.32.7 NMAC, Authorization to Administer Opioid Antagonists, filed 8/30/2001 - Repealed effective 7/15/2016. Part name changed to Overdose Prevention and Education Program Authorization for Opioid Antagonists.