

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 16 OPTOMETRIC PRACTITIONERS
PART 7 PHARMACEUTICAL CERTIFICATION

16.16.7.1 ISSUING AGENCY: New Mexico Board of Optometry.
[10-14-95; A, 6-26-00; 16.16.7.1 NMAC- Rn, 16 NMAC 16.7.1, 03-15-2001; A, 07-06-2012]

16.16.7.2 SCOPE: Part 7 of Chapter 16 applies to all currently licensed New Mexico optometrists and to all applicants for licensure by the Board.
[10-14-95; 16.16.7.2 NMAC - Rn, 16 NMAC 16.7.2, 03-15-2001]

16.16.7.3 STATUTORY AUTHORITY: The authority for Part 7 of Chapter 16 is NMSA 1978 Section 61-2-6.D. (10); Section 61-2-10; Section 61-2-10.2; Section 61-2-10.3.A, and Section 61-2-6.D. (1) and (2) (1995 Repl. Pam.).
[1-15-78, 3-8-86, 3-31-91, 6-24-94, 10-14-95; 16.16.7.3 NMAC - Rn, 16 NMAC 16.7.3, 03-15-2001, A, 03-17-2004]

16.16.7.4 DURATION: Permanent.
[10-14-95; 16.16.7.4 NMAC - Rn, 16 NMAC 16.7.4, 03-15-2001]

16.16.7.5 EFFECTIVE DATE: October 14, 1995, unless a later date is cited at the end of a section.
[1-15-78...10-14-95, 10-15-97; 16.16.7.5 NMAC - Rn, 16 NMAC 16.7.5, 03-15-2001, A, 03-17-2004]

16.16.7.6 OBJECTIVE: The objective of Part 7 of Chapter 16 is to set forth the requirements and procedures for certification in the use of diagnostic, therapeutic, and oral pharmaceuticals for use by qualified licensees in the diagnosis, treatment, and management of ocular diseases.
[10-14-95; 16.16.7.6 NMAC - Rn, 16 NMAC 16.7.6, 03-15-2001]

16.16.7.7 DEFINITIONS: “**Certificate**” means a document issued by the board certifying that the applicant has met the requirements for which the certificate is issued.
[10-14-95; 16.16.7.7 NMAC - Rn, 16 NMAC 16.7.7, 03-15-2001]

16.16.7.8 CERTIFICATE DISPLAY: The licensee must display the pharmaceutical certificate(s) for which he has been qualified and certified by the Board in a conspicuous place at his/her principal office or place of business.
[10-14-95; 16.16.7.8 NMAC - Rn, 16 NMAC 16.7.8, 03-15-2001]

16.16.7.9 OPTOMETRISTS AS PRESCRIBING PRACTITIONERS: The New Mexico Drug, Device and Cosmetic Act defines optometrists as prescribing practitioners. Subject to the provisions of the Optometry Act, New Mexico licensed optometrists may prescribe or administer all pharmaceutical agents for the diagnosis and treatment of diseases of the eye or adnexa including controlled substances classified as Schedule II-V, provided that an optometrist:

- A.** may prescribe hydrocodone and hydrocodone combination medications;
 - B.** may administer epinephrine auto-injections to counter anaphylaxis;
 - C.** shall not prescribe any other controlled substances classified in Schedule I or II pursuant to the Controlled Substances Act, Chapter 30, Article 31 NMSA 1978.
- [1-15-78; 3-31-91; 10-14-95; 16.16.7.9 NMAC - Rn, 16 NMAC 16.7.9, 03-15-2001; Repealed, 2-12-2016; 16.16.7.9 NMAC - N, 2-12-2016]

16.16.7.10 [RESERVED]
[3-8-86; 10-14-95; 16.16.7.10 NMAC - Rn, 16 NMAC 16.7.10, 03-15-2001; A, 03-22-2008; Repealed 03-02-2016]

16.16.7.11 [RESERVED]
[10-14-95; A, 6-26-00; 16.16.7.11 NMAC - Rn, 16 NMAC 16.7.11, 03-15-2001; A, 03-22-2008; Repealed 03-02-2016]

16.16.7.12 DEA REGISTRATION REQUIRED: Before a New Mexico optometric physician may administer, dispense, or prescribe any of the controlled substances which are allowed by the Optometry Act (Section 61-2-10.2) and for which a DEA registration is required, he/she must be registered by the New Mexico board of pharmacy and by the United States drug enforcement administration as provided in 16.16.8 NMAC.
[10-14-95; 16.16.7.12 NMAC - Rn, 16 NMAC 16.7.12, 03-15-2001; A, 07-06-2012]

16.16.7.13 “OPTOMETRIC PHYSICIAN” TITLE USE: Only those optometrists who have been certified as provided in 16.16.7.11 NMAC may use the title of “optometric physician”.
[10-15-97; 16.16.7.13 NMAC - Rn, 16 NMAC 16.7.13, 03-15-2001; A, 03-22-2008; A, 07-06-2012]

16.16.7.14 PRESCRIPTION FOR PHARMACEUTICAL AGENTS: A prescription written for a pharmaceutical agent shall include an order given individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written or electronic order signed by the prescriber, that bears the following items:

- A.** the name and address of the prescriber;
- B.** the prescriber’s professional designation;
- C.** the name and address of the patient;
- D.** the name and quantity of the agent being prescribed;
- E.** directions for the use of the agent;
- F.** the prescription issue date; and
- G.** the number of refills allowed.

[16.16.7.14 NMAC - N, 03-17-2004; A, 03-02-2016]

16.16.7.15 OPTOMETRIC PHYSICIAN CERTIFICATION REQUIREMENT: All New Mexico licensed optometrists shall have pharmaceutical certification as determined by the board prior to licensure and may use the title “optometric physician”.
[16.16.7.15 NMAC - N, 03-22-2008; A, 03-02-2016]

HISTORY of 16.16.7 NMAC:

Pre-NMAC History:

Material in the part was derived from that previously filed with the commission of public records - state records center and archives:

OEB 73-1, Rule No. 1 of Administrative Rules and Regulations of the State Board of Examiners in Optometry, filed 10-18-73.

NMBO Rule 12, - Board Rule No. 12 - Requirements for Pharmacology Certificate, filed 3-1-91.

OPT Rule No. 17 - Education Requirements, Therapeutic Pharmaceutical Agents, filed 2-6-86.

History of Repealed Material: [Reserved]

Other History:

16 NMAC 16.7, Pharmaceutical Certification, filed 9-21-95, replaced that relevant portion of NMBO Rule 12 and OPT Rule No. 17.

16 NMAC 16.7, Pharmaceutical Certification, filed 9-21-95, renumbered and reformatted to 16.16.7 NMAC, Pharmaceutical Certification, effective 03-15-2001.