



## New Mexico Regulation and Licensing Department Board of Pharmacy

5500 San Antonio Drive, NE ▪ Suite C ▪ Albuquerque, New Mexico 87109  
(505) 222-9830 ▪ Fax (505) 222-9845 ▪ (800) 565-9102  
[www.rld.state.nm.us/boards/pharmacy.aspx](http://www.rld.state.nm.us/boards/pharmacy.aspx)

### MISSION STATEMENT

The mission of the New Mexico Board of Pharmacy is to protect, promote, and preserve the public health, safety, and welfare through effective regulation of the practice of pharmacy in New Mexico

## July 22-23, 2021 Regular Board Meeting Agenda

**Board Meetings are open to the public pursuant to the Open Meetings Act and notices to the public are posted in the Albuquerque Journal. Notice published June 18, 2021.**

### Location: Virtual meeting

#### July 22, 2021

##### Meeting link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=ece255bfb9b95b9d6e09c74cdca84b0c1>

Meeting number: 187 929 7215

Password: x6iHd5M3TUd

Join by phone +1-415-655-0002

Access code: 187 929 7215

#### July 23, 2021

##### Meeting link:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e6d8b5e000d12a13b4041026d3963dcfc>

Meeting number: 187 485 7419

Password: WjVYvG7Wm39

Join by phone +1-415-655-0002

Access code: 187 485 7419

**Scheduled Meeting Time: 9:00 a.m. – 5:00 p.m. Thursday and Friday** - The board will continue until finished on Thursday, July 22<sup>nd</sup>. Any meeting agenda items not completed on Thursday will be continued on Friday - the Board will convene on July 23<sup>rd</sup> at 9:00 a.m. and continue until finished.

### Thursday, July 22, 2021

#### 1. Procedural Items:

- a) 9:00 a.m. Call to Order:
- b) Roll Call:
- c) Introduce current Intern: Kiana Lujan
- d) Approval of the Agenda:
- e) Approval of [April 2021](#) Minutes:
- f) Approval of [May 2021](#) Minutes:

#### 2. New Licensee Applications:

\*The board may go into Executive Session to discuss these items and any other 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. H(1) are licensing matters, H(2) is limited to personnel matters, H(3) is limited to deliberations on administrative adjudicatory proceedings, H(7) is pending or threatened litigation.

- a) Application List
- b) Pharmacist Clinicians

**3. 9:10 a.m. Rule Hearings:**  
*(Albuquerque Court Reporting Service will be recording the hearing)*

**16.19.4 NMAC – PHARMACIST**: Section 1, administrative update. Section 17, removal of restriction on pharmacist clinician writing a recommendation for the use of medical cannabis.  
 STATUTORY AUTHORITY: Sections 61-11B-1 to 61-11B-3 NMSA 1978.

**16.19.20 NMAC - CONTROLLED SUBSTANCES**: Section 65, schedule isotonitazene, crotonyl fentanyl and valeryl fentanyl; deschedule marijuana, tetrahydrocannabinols, hashish. Section 38, add remimazolam; and Section 69, add cenobamate – consistent with federal schedules.  
 STATUTORY AUTHORITY: Sections 30-31-1 through 30-31-42 NMSA 1978.

**16.19.30 NMAC – COMPOUNDING OF NON-STERILE PHARMACEUTICALS**: Section 7, administrative clarification. Section 8, pharmacist in charge responsibilities to include assuring availability of current reference source for the type of compounding conducted. Section 9, remove restriction on controlled substance office use compounded veterinary preparations, specify conditions for compounded controlled substance veterinary office use preparation distribution by a pharmacy.  
 STATUTORY AUTHORITY: Paragraph (6) of Subsection (A) of Section 61-11-6 NMSA 1978.

**16.19.31 NMAC – EMERGENCY PROVISIONS**: Sections 1, 2, and 3 administrative updates. New Section 11, during a declared emergency resulting in unavailable required testing or training, the Board may authorize a temporary extension for: pharmacist license under reciprocity, technician registration, or pharmacist to exercise prescriptive authority pursuant to 16.19.26 NMAC.  
 STATUTORY AUTHORITY: Paragraphs 1, 3, 4, and 16 of Subsection A of Section 61-11-6 NMSA 1978.

**4. Committee Reports and Board Actions\*:**

- a) Facilities and Operations Committee – Cathleen Wingert/Bill Lord – pharmacist workload relief/medication safety
- b) Pharmacy Practice Committee – Teri Rolan – hormonal contraception training program approval request; technician vaccine administration, potential amendment to [16.19.22 NMAC](#) (discussion, not a rule hearing)

**5. 10:00 a.m. – 11:10 a.m. Public/Professional Requests/Waiver Petitions\*:**

- a) 10:00 – 10:10 Collective Medical Technologies (CMT) – CMT utilization of PMP data through EDie platform - access, retention and production, [waiver request](#) 16.19.29.9 NMAC
- b) 10:10 – 10:20 Luigi Garcia Saavedra, Birth Defects Epidemiologist Supervisor, Birth Defects Program, NM Department of Health Epidemiology & Response Division, [waiver request](#) 16.19.29.9 NMAC
- c) 10:20 – 10:30 Katrina Nardini, NM Department of Health Maternal Mortality Review Committee, [waiver renewal request](#) 16.19.29.9 NMAC
- d) 10:30 – 10:40 Walgreens PH 3954 201 Cedar ABQ [waiver renewal request](#), 16.19.6.22 (D)(8)
- e) 10:40 – 10:50 Carly Floyd, [request](#) for board approval for PEP pharmacist prescriptive authority training program
- f) 10:50 – 11:00 Dan Smith, [waiver request](#) 16.19.20.42 (B)(1)(g), to allow closed door pharmacy to receive non-EPCS while EPCS receipt capability is being implemented

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- g) 11:00 – 11:10 Carl A. Powell RP 7692 [waiver renewal request](#), live continuing education (CE) requirement - 16.19.4.10 (B) (1)

**6. Executive Director's Report\*:**

- a) DEA drug take back event, April 24<sup>th</sup>, 2021
- b) NABP's Virtual 117<sup>th</sup> Annual Meeting, May 13-14, 2021
- c) 2021 NMPHA Virtual Annual Convention, June 26-27, 2021
- d) [2021 Open Meetings Act Resolution](#)
- e) Election of Board Officers: Chairman, Vice Chairman, Secretary
- f) 2022 Board Meeting Dates:
  - 1/20-21 Thursday/Friday
  - 4/21-22 Thursday/Friday
  - 7/21-22 Thursday/Friday
  - 10/20-21 Thursday/Friday
- g) Board strategic plan
- h) [50 Year Pharmacist Recognition](#) (through December 2021)
- i) EPCS update/discussion (grandfather controls written prior to June 30<sup>th</sup>?)
- j) Narcotic treatment programs: clinic class, methadone and buprenorphine, mobile NTP's
- k) 2021 legislative changes
  - (i) HB 120 related to the expedited licensure for military
  - (ii) SB 183 Uniform Collateral Consequences of Conviction
  - (iii) SB 2 (Special Session) Criminal Offender Employment Act
- l) Proposed rule amendment (discussion, not a rule hearing): 16.19.6 NMAC; 16.19.14 medical gas repackager and medical gas seller, 16.19.12, 16.19.4, and 16.19.27
- m) FYI/discussion: in-person inspections, EMS facility – in use locations capture in MLO for better oversight/inspection of in-use locations; NPLeX contract executed, all NM pharmacies may enroll as of early July; licensee self-service (person licenses may be updated on-line for work address, contact information) duplicate license option and facility on-line renewals pending separate contract(s)/Salesforce roll out; RLD website
- n) PMP update: required PMP training embedded into registration process (live in June) to streamline prescriber enrollment for PMP access, dispenser reporting compliance activity
- o) Board staff discussion: staff update – Heather Marquez completed the Law Enforcement Academy, compliments received Heather, Adela, and Rocio, FY23 budget request to create positions (administrative specialist, deputy executive director, drug inspector, part time attorney). Staff non-mandatory telework. Executive Director position.
- p) NMAG opioid litigation update
- q) Rules review committee

**7. 12:00 p.m. – 1:15 p.m. Recess for Lunch**

**8. 1:20 p.m. Monitored Treatment Program Report\* Annual and Regular Report**

**9. 1:30 p.m. Disciplinary Hearing, Order to Show Cause\*: William Gardner, CS00019456, Case 2021-002 (*Albuquerque Court Reporting Service will be recording the hearing*)**

**10. Litigation Update\*: (*May be heard at any time during the meeting*)**

- a) El Ranchito de los Ninos & The Ranches
- b) Kenneth Cooper RP 6912, Las Cruces Apothecary PH 3866, Case 2018-079P
- c) 2018-034 complaint – injunction status

**11. Case Presentations\*: (*May be heard at any time during the meeting*)**

Inspector Mossberg: 2020-031, 2020-032, 2020-066, 2021-005, 2021-011

Inspector B. Padilla: 2020-040, 2021-021, 2021-023

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Inspector A. Padilla: 2020-023, 2020-036, 2021-025

Inspector Amparan: 2020-070, 2021-007, 2021-017, 2021-029

Inspector Han: 2020-041, 2020-044, 2020-061, 2021-018, 2021-020, 2021-024, 2021-027  
2021-028

Inspector Marquez: 2021-030, 2021-032, 2021-037

**12. Stipulated or Settlement Agreements/Surrenders/Defaults and Orders\*: *(May be heard at any time during the meeting)***

- a) 2019-074 Robert Cone (request to waive fine, \$450)
- b) 2020-043 pre-NCA settlement agreement
- c) 2021-018 voluntary surrender
- d) 2021-020 voluntary surrender
- e) 2021-028 voluntary surrender

**13. Recess for the day:**

**Friday July 23, 2021**

**1. Procedural Items: *(note – if all business is finished on Thursday, July 22, the board will not reconvene on Friday, July 23, 2021)***

a) 9:00 a.m. Reconvene:

b) Roll Call:

**2. Unfinished Agenda Items from July 22, 2021 (if any)**

**3. Adjournment:**

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