April 18 – 19, 2013 Board Meeting Agenda
(as of April 16, 2013)

New Mexico Board of Pharmacy Regular Board Meeting

Location: 5200 Oakland Ave. Suite A, Albuquerque, New Mexico 87113

Meeting Time: 9:00 a.m. – finish each day

Call to Order: The meeting was called to order by the Chairman Richard Mazzoni, R.Ph., at 9:05 a.m.

MEMBERS PRESENT: Richard Mazzoni R.Ph., Chairman
Amy Buesing R.Ph., Member
LuGina Mendez-Harper R.Ph., Member
Danny Cross, R.Ph., Member
Joe Anderson R.Ph., Member
Buffie Saavedra, Public Member
Allen Carrier, Public Member
Anise Yarbrough, Public Member

STAFF ATTENDING: Larry Loring, Executive Director
Debra Wilhite, Administrative Secretary
Mary Smith, Assistant Attorney General
Ben Kesner, Inspector
Kris Mossberg, Inspector
Cheranne McCracken, Inspector
Adela Padilla, Inspector
Bobby Padilla, Inspector

Thursday April 18, 2013

1. 9:05 a.m. Call to Order
2. Roll Call:

Chairman Richard Mazzoni introduced the newly appointed public board member, Anise Yarbrough.

Present were Mr. Carrier, Ms. Saavedra, Mr. Anderson, Ms. Amy Buesing, Mr. Danny Cross, Ms. Anise Yarbrough and the Chairman Mr. Richard Mazzoni.

Ms. Lugina Mendez-Harper was in attendance at 9:15 a.m.

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings.
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April 18-19, 2013
3. **Approval of the Agenda:**

The agenda was approved as presented.

Motion: Motion was made by Mr. Carrier, seconded by Ms. Buesing to approve the agenda as presented, board voted unanimously to pass the motion.

4. **Approval of January 2013 Minutes:**

The January 2013 draft minutes were deferred for viewing until 4/19/13 by Ms. Mendez-Harper and Ms. Buesing, upon which time amendments were made to the pg. 19, spelling correction of Kristina Wittstrom and clarification of Dr. Megan Thompson's student presentation, pg. 22, under case presentiations, include case 2012-091, and clarify Mr. Loring's attendance at the *FDA-Intergovernmental Meeting on Pharmacy Compounding*, pg. 28, attach proposed language and motion for notice 16.19.30 NMAC.

The board approved the January 2013 minutes as amended.

Motion: Approve the October 2012 minutes as amended. Motion made by Ms. Buesing, seconded by Mr. Cross, board voted unanimously to pass motion.

5. **Applications:**

a) **Application List:**

Ms. Amy Buesing presented the application list to the board.

Motion: 17 Clinic applications all are in order. Motion made by Ms. Buesing, seconded by Mr. Carrier, board voted unanimously to pass motion.

Motion: 3 Emergency Medical Services applications all are in order. Motion made by Ms. Saavedra, seconded by Mr. Carrier, board voted unanimously to pass motion.

Motion: 24 Custodial Nursing Home applications all are in order. Motion made by Ms. Buesing, seconded by Mr. Carrier, board voted unanimously to pass motion.

Motion: 5 Pharmacy/Hospital applications all are in order. Motion made by Ms. Buesing, seconded by Mr. Carrier, board voted unanimously to pass motion.

Motion: 50 Non-Resident Pharmacy applications all are in order. Motion made by Ms. Buesing, seconded by Ms. Saavedra, board voted unanimously to pass motion.

Motion: 39 Wholesale/Broker applications all are in order. Motion made by Ms. Buesing, seconded by Mr. Carrier, board voted unanimously to pass motion.
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April 18-19, 2013
Santa Rosa, NM 88435
11. Northeast Regional Education Cooperative
Raton Tiger Den Wellness Center
1535 Tiger Circle
Raton, NM 87740

12. Northeast Regional Education Cooperative
Bernalillo Spartan Wellness Center
224 N Camino Del Pueblo
Bernalillo, NM 87004

13. Physician Surgery Center of Albuquerque
9551 Paseo del Norte
Albuquerque, NM 87122

14. RMCH Home Health
650 Vanden Bosch Parkway Suite B
Gallup, NM 87311

15. Sonoma Clinic
4371 E Lohman Avenue
Las Cruces, NM 88011

16. Southwest Care Center
1691 Galisteo Street Suite D
Santa Fe, NM 87505

17. Valencia Counseling Services
1101 Allen Street
Estancia, NM 87016

EMERGENCY MEDICAL SERVICES
1. Bent Fire Rescue
24043 Hwy 70 E
Bent, NM 88314

2. Farsouth Fire Department
827 Luna
Chaparral, NM 88081

3. Tri State Care Flight
2030 Schlenker Drive
Portales, NM 88130

CUSTODIAL/NURSING HOME
1. Ability First LLC
4408 Joe Dan Place NE
Albuquerque, NM 87110

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April 18-19, 2013
<table>
<thead>
<tr>
<th>Business/Individual</th>
<th>Address</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Ability First LLC</td>
<td>8505 Powder Court NW</td>
<td>Annabel Roberts, R.Ph.</td>
</tr>
<tr>
<td>3. Ability First LLC</td>
<td>2645 Truman NE</td>
<td>Annabel Roberts, R.Ph.</td>
</tr>
<tr>
<td>4. Above and Beyond</td>
<td>7100 Dellwood NE</td>
<td>Jeff Campbell, R.Ph.</td>
</tr>
<tr>
<td>5. Active Solutions Inc</td>
<td>5100 Indian School Rd NE</td>
<td>Gunda Siska, R.Ph.</td>
</tr>
<tr>
<td>6. Advantage Communications</td>
<td>1505 Reynosa Loop SE</td>
<td>Charlotte Breeden, R.Ph.</td>
</tr>
<tr>
<td>10. Center for Function and Creativity</td>
<td>5200 Eubank NE Suite A5</td>
<td>Lori Carabajal, R.Ph.</td>
</tr>
<tr>
<td>11. Citizens for the Developmentally Disabled</td>
<td>212 Pecos Street</td>
<td>Rudy Nolasco, R.Ph.</td>
</tr>
<tr>
<td>12. Dungarvin New Mexico LLC</td>
<td>12804 Chico Road NE</td>
<td>Brenda Vigil, R.Ph.</td>
</tr>
</tbody>
</table>

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14. Haciendas at Grace Village  
2802 Corte Dios B  
Las Cruces, NM  88011  
New  
Scott Willis, R.Ph.

15. Life Mission Family Services  
1605 Osage Road SW  
Albuquerque, NM  87105  
New  
Lori Carabajal, R.Ph.

16. Links of Life LLC  
3200 Del Rey #51  
Las Cruces, NM  88012  
New  
Robert Adams, R.Ph.

17. Links of Life LLC  
3266 Executive Hills A  
Las Cruces, NM  8801  
New  
Robert Adams, R.Ph.

18. Links of Life LLC  
603 Franklin Place  
Las Cruces, NM  88007  
New  
Robert Adams, R.Ph.

19. Nezzy Care of Las Cruces  
600 Mount Lake Terrace  
Alamogordo, NM  88310  
New  
Gail Watters, R.Ph.

20. Nezzy Care of Las Cruces  
1417 Ohio Avenue  
Alamogordo, NM  88310  
New  
Gail Watters, R.Ph.

21. Palmilla Senior Living  
10301 Golf Course Road  
Albuquerque, NM  87114  
New  
Nia Harris, R.Ph.

22. Safe Harbor  
2984 Polder Lane  
Las Cruces, NM  88007  
New  
Scott Wallis, R.Ph.

23. Safe Harbor  
2986 Petunia Lane  
Las Cruces, NM  88007  
New  
Scott Wallis, R.Ph.

24. Wilson Residential Care Services  
9635 El Patron Road SW  
Albuquerque, NM  87121  
New  
Lori Carabajal, R.Ph.

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**PHARMACY /HOSPITAL**  
1. Central Desert Behavioral Health Center  
239 Elm Street NE  
Albuquerque, NM  87102  
PHARMACIST IN CHARGE  
New  
Marjorie Pesaresi, R.Ph.
2. LBH Pharmacy LLC  
DBA Central Pharmacy  
7226 Central Avenue SE Suite 1  
Albuquerque, NM 87108  

3. Peak Behavioral Health Services LLC  
5065-1 McNutt  
Santa Teresa, NM 88008  

4. Safeway Pharmacy  
3540 E Main Street  
Farmington, NM 87401  

5. Target Pharmacy  
2120 Louisiana Blvd NE  
Albuquerque, NM 87110  

NON-RESIDENT PHARMACY  

1. Advanced Compounding Pharmacy  
4335 Van Nuys Blvd #401  
N Hollywood, CA 91605  

2. Advantage Pharmacy LLC  
2175 Business Center Park Drive Suite 6  
Memphis, TN 38134  

3. AnovoRx Group LLC  
1710 N Shelby Oaks Drive Suite 1  
Memphis, TN 38134  

4. APAC Customer Services Inc  
2929 E Corona Road  
Tucson, AZ 85756  

5. Arrow Pharmacy Holdings LLC  
461 Cooke Street  
Farmington, CT 06032  

6. Avella of Scottsdale Inc  
9777 N 91st Street Suite 102  
Scottsdale, AZ 85258  

7. Basic Home Infusion Inc  
1401 Valley Road 4th Floor  
Wayne, NJ 07470  

8. Bryce RX Laboratories Inc  
30 Buxton Farms Road Suite 110  
Stamford, CT 06905  

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April 18-19, 2013
9. Byram Healthcare Centers Inc  
5302 Rancho Road  
Huntington Beach, CA 92657  
Change of Ownership  
Valerie Marinko, R.Ph.

10. Cardinal Health 414 LLC  
1724 W 3rd Street  
Tempe, AZ 85281  
New  
Mario Menta, R.Ph.

11. Cardinal Health 414 LLC  
2420 Quaker Avenue  
Lubbock, TX 79410  
New  
Sanjay Patel, R.Ph.

12. Cardinal Health 414 LLC  
10400 E 48th Avenue  
Denver, CO 80238  
New  
Brad Stoltz, R.Ph.

13. Cardinal Health 414 LLC  
27 A Medical Drive  
Amarillo, TX 79106  
New  
Kelli Love, R.Ph.

14. CareMed Pharmaceuticals Services  
1981 Marcus Avenue Suite 225  
Lake Success, NY 11042  
Change of Ownership  
Bincy Varghese, R.Ph.

15. Carepoint Pharmacy  
911B N Plum Grove Road  
Schaumburg, IL 60173  
New  
Bhavesh Patel, R.Ph.

16. Cascade Hemophilia Consortium  
517 West William Street  
Ann Arbor, MI 48103  
New  
Michael Altese, R.Ph.

17. Century Pharmacy  
37 West Century Suite 113  
Paramus, NJ 07652  
New  
Justin Di Pasa, R.Ph.

18. Colbert Pharmacy  
500 S Montgomery Avenue #108  
Sheffield, AL 35660  
New  
William S Harrison, R.Ph.

19. Concierge Compounding Pharmaceuticals  
1887 Whitney Mesa Drive  
Henderson, NV 89014  
New  
Hootan Melamed, R.Ph.

20. Derma Tran Health Solutions  
1504 Market Street  
Redding, CA 96001  
New  
Charles Hoeft, R.Ph.

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April 18-19, 2013
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Status</th>
<th>Address</th>
<th>Contact Person</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
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</thead>
<tbody>
<tr>
<td>21</td>
<td>Diabetes Specialty Center LLC</td>
<td>New</td>
<td>3744 S Second Street Suite A</td>
<td>Stephen Ouellette, R.Ph.</td>
<td>Salt Lake City, UT 84115</td>
<td>UT</td>
<td>84115</td>
</tr>
<tr>
<td>22</td>
<td>Express Plus Pharmacy LLC</td>
<td>New</td>
<td>6692 Stirling Road</td>
<td>Dennis Soumoff, R.Ph.</td>
<td>Davie, FL 33024</td>
<td>FL</td>
<td>33024</td>
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<tr>
<td>23</td>
<td>FH Investments Inc DBA Inverness Apothecary</td>
<td>New</td>
<td>7004 Champion Blvd #100</td>
<td>William Fixler, R.Ph.</td>
<td>Birmingham, AL 35242</td>
<td>AL</td>
<td>35242</td>
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<tr>
<td>24</td>
<td>Goodlife Pharmacy Inc</td>
<td>New</td>
<td>8903 Glades Road Suite G13</td>
<td>Nicole Balarezo, R.Ph.</td>
<td>Boca Raton, FL 33434</td>
<td>FL</td>
<td>33434</td>
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<tr>
<td>25</td>
<td>Greer Pharmacy</td>
<td>New</td>
<td>639 Nuway Circle</td>
<td>Kevin Plant, R.Ph.</td>
<td>Lenoir, NC 28645</td>
<td>NC</td>
<td>28645</td>
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<td>26</td>
<td>Harbor Drug Company Inc DBA Stevens Pharmacy</td>
<td>New</td>
<td>1525 Mesa Verde Drive E</td>
<td>Charles Bonner, R.Ph.</td>
<td>Costa Mesa, CA 92626</td>
<td>CA</td>
<td>92626</td>
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<tr>
<td>27</td>
<td>Home Choice Partners Inc</td>
<td>New</td>
<td>5365 Robin Hood Road Suite 200</td>
<td>Regina Baker, R.Ph.</td>
<td>Norfolk, VA 23513</td>
<td>VA</td>
<td>23513</td>
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<tr>
<td>28</td>
<td>Infuserve America</td>
<td>New</td>
<td>11880 28th Street North</td>
<td>Randolph Breton, R.Ph.</td>
<td>St Petersburg, FL 33716</td>
<td>FL</td>
<td>33716</td>
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<tr>
<td>29</td>
<td>Injectable Therapy Services Inc.</td>
<td>New</td>
<td>1057 Gayley Avenue Suite B</td>
<td>Calbert Abe, R.Ph.</td>
<td>Los Angeles, CA 90024</td>
<td>CA</td>
<td>90024</td>
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<tr>
<td>30</td>
<td>Institutional Pharmacy Solutions</td>
<td>New</td>
<td>6520 N Irwindale Suite 228</td>
<td>Tri Nguyen, R.Ph.</td>
<td>Irwindale, CA 91702</td>
<td>CA</td>
<td>91702</td>
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<tr>
<td>31</td>
<td>Leiter’s Cambrian Park Drugs Inc</td>
<td>Change of Ownership</td>
<td>1700 Park Avenue Suite 30</td>
<td>Morton Leiter, R.Ph.</td>
<td>San Jose, CA 95126</td>
<td>CA</td>
<td>95126</td>
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<tr>
<td>32</td>
<td>Liberty Medical Supply Inc</td>
<td>Change of Ownership</td>
<td>2157 Apperson Drive</td>
<td>Susan Sink, R.Ph.</td>
<td>Salem, VA 24513</td>
<td>VA</td>
<td>24513</td>
</tr>
</tbody>
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45. Sorkin Rx, LTD  
DBA: Caremed Pharmaceuticals Services  
1981 Marcus Avenue Suite 225  
Lake Success, NY  11042  
Change of Ownership  
Bincy Varghese, R.Ph.

46. Stonybrook Pharmacy LLC  
13921 S Plaza  
Omaha, NE  68137  
New  
Amy McMurtry, R.Ph.

47. Summerton Drugs  
115 B Main Street  
Summerton, SC  29148  
New  
Ernest Phillips III, R.Ph.

48. Wegmans Food Market Inc  
2851 Broadway  
Cheektowaga, NY  14227  
New  
Daniel Gies, R.Ph.

49. West Texas Nuclear Pharmacy Partners  
5025 Princeton Avenue #2  
Midland, TX  79703  
New  
Kim Kewbre, R.Ph.

50. Thrift Pharmacy Inc  
94 E McNab Road  
Pompano Beach, FL  33060  
New  
Carol Gammage, R.Ph.

WHOLESALE/RUNNER
1. AnovoRx Distribution LLC  
1710 N Shelby Oaks Drive Suite 6  
Memphis, TN  38134  
New

2. Arrow International Inc  
11245 North Distribution Cove  
Olive Branch, MS  38654  
New

3. Aspen Veterinary Resources Ltd  
3155 Heartland Drive  
Liberty, MO  64068  
New

4. BD Rx Inc  
5200 Corporate Parkway  
Wilson, NC  27893  
New

5. Blu Pharmaceuticals LLC  
301 Robey Street  
Franklin, KY  42134  
New

6. Ceptaris Therapeutics Inc  
101 Lindenwood Drive Suite 400  
Malvern, PA  19355  
New

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11
7. Compounding Center Inc  
33777 N Scottsdale Road Suite 125  
Scottsdale, AZ  85266  

8. Cooper Surgical Inc  
95 Corporate Drive  
Trumbull, CT  06611  

9. Dutch Ophthalmic USA  
10 Continental Drive Building 1  
Exeter, NH  03833  

10. Fagron Inc  
15955 N Dial Blvd  
Scottsdale, AZ  85260  

11. Fisher Clinical Services Inc  
699 N Wheeling Road  
Mt. Prospect, IL  60056  

12. Greer Laboratories Inc  
639 Nuway Circle NE  
Lenior, NC  28645  

13. Hawthorn Pharmaceuticals Inc  
135 I industrial Blvd  
Madison, MS  39110  

14. High Chemical Co  
3901 A Nebraska Street  
Levittown, PA  19056  

15. JHP Pharmaceuticals LLC  
870 Parkdale Road  
Rochester, MI  98307  

16. LZ Pharma Inc  
6616 Gulton Court #10  
Albuquerque, NM  87109  

17. Macoven Pharmaceuticals LLC  
135 Industrial Blvd  
Madison, MS  39110  

18. Micro Labs USA Inc  
104 Carnegie Center Suite 216  
Princeton, NJ  08540  

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Motion:  Motion was made by Ms. Buesing, seconded by Ms. Mendez-Harper, to attach the application list to the minutes, board voted unanimously to pass the motion.

6.  9:30 a.m.  Rule Hearings:

The Chairman opened the rule hearing at 9:35 and took roll call.  Present were Mr. Carrier, Ms. Saavedra, Mr. Anderson, Mr. Cross, Ms Buesing, Ms. Mendez-Harper and Ms. Yarbrough, Assistant Attorney General, Mary Smith, Executive Director, Larry Loring and Administrative Secretary, Debra Wilhite.

The Chairman entered the notice of hearing as exhibit #1, proposed language for 16.19.4.17 NMAC as exhibit #2, proposed language for 16.19.22 NMAC, sections 7, 10 and 14 as exhibit #3, NACDS written comments as exhibit # 4, proposed language for 16.19.10(D)4, and 5 NMAC as exhibit #5, proposed language for 16.19.30 NMAC as exhibit #6, comments from Steven Komadina as exhibit #7, and sign in sheet as exhibit #8.

a. 16.19.4 NMAC Pharmacists

Prohibit pharmacist-clinicians from prescribing for self or family

Motion: Adopt language as amended and change the word legend to "dangerous".  Motion made by Mr. Carrier, seconded by Ms. Buesing, board voted unanimously to pass the motion.

16.19.4.17 PHARMACIST CLINICIAN

D. Prescriptive authority, guidelines or protocol:

(1) Only a registered pharmacist clinician with current protocols, registered with the New Mexico medical board or the New Mexico board of osteopathic medical examiners, may exercise prescriptive authority.

(2) A pharmacist clinician seeking to exercise prescriptive authority shall submit an application to the board. The application must include the supervising physicians’ name and current medical license, protocol of collaborative practice and other information requested by the board. A pharmacist may submit the application with the initial application for certification or as a separate application after becoming certified and registered as a pharmacist clinician.

(3) The protocol will be established and approved by the supervising physician as set forth in these regulations and will be kept on file at each practice site of the pharmacist clinician and with the board.

(4) The protocol must include:

(a) name of the physician(s) authorized to prescribe dangerous drugs and name of the pharmacist clinician;

(b) statement of the types of prescriptive authority decisions the pharmacist clinician is authorized to make, including, but not limited to:

(i) types of diseases, dangerous drugs or dangerous drug categories involved and the type of prescriptive authority authorized in each case;

(ii) ordering lab tests and other tests appropriate for monitoring of drug therapy;

(iii) procedures, decision criteria or plan the pharmacist clinician is to follow when exercising prescriptive authority;

(c) activities to be followed by the pharmacist clinician while exercising prescriptive authority, including documentation of feedback to the authorizing physician concerning specific decisions made; documentation may be made on the prescriptive record, patient profile, patient medical chart or in a separate log book;

(d) description of appropriate mechanisms for consulting with the supervising physician, including a quality assurance program for review of medical services provided by the pharmacist clinician, this quality assurance program will be available for board review); and

(e) description of the scope of practice of the pharmacist clinician.

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(5) Pharmacist clinicians shall not prescribe legend drugs including controlled substances for self-treatment or treatment of immediate family members, except under emergency situations. This will not apply to pharmacist-administered vaccinations.
   
   (a) Pharmacist clinicians shall not write a recommendation for the use of medical cannabis.

b. **16.19.10 NMAC Limited Drug Clinics**
   Remove the ratio of technicians to pharmacists

**Motion: Adopt the language as amended. Motion made by Mr. Cross, seconded by Ms. Buesing, board voted unanimously to pass the motion.**

16.19.10.11 PUBLIC HEALTH CLINICS:

D. SUPPORTIVE PERSONNEL

(1) Appropriately trained pharmacy technicians, working in a clinic under the supervision of the pharmacist, may perform activities associated with the preparation and distribution of medications, including prepackaging medications and the filling of a prescription or medication order. These activities may include counting, pouring, labeling and reconstituting medications.

(2) The pharmacist shall ensure that the pharmacy technician has completed the initial training required by Part 22, Section 9.

(3) A written record of the initial training and education will be maintained by the clinic pursuant to requirements of Part 22, Section 9, Paragraph 9.4.

(4) The permissible ratio of pharmacy technicians to pharmacists on duty is 4:1. The permissible ratio of pharmacy technicians to pharmacists on duty is to be determined by the Pharmacist in Charge or consultant pharmacist.

(5) Non-technician supportive personnel may perform clerical duties associated with clinic pharmacy operations, including computer data entry, typing of labels, processing of orders for stock, duties associated with maintenance of inventory, and maintenance of dispensing records.

(6) The pharmacist is responsible for the actions of supportive personnel; allowing actions outside the limits of the regulations shall constitute unprofessional conduct on the part of the pharmacist.

(7) Name tags including job title, shall be required of all supportive personnel while on duty in the clinic.

c. **16.19.22 NMAC Supportive Personnel**

Define “stocking”; remove the ratio of technicians to pharmacists

The board and members of the audience, Ken Carazzo, Dennis McCallister, Bobby Davenport, Henna Griego, and Al Carter discussed in length their views regarding the pro’s and con’s to removing the ratio of technicians to pharmacist.

**Motion: Adopt language as amended. Motion made by Ms. Mendez-harper, seconded by Ms. Buesing, Mr. Mazzoni voted no, Mr. Carrier voted yes, Ms. Saavedra voted no, Mr. Anderson voted no, Mr. Cross voted no, Ms. Buesing voted yes, and Ms. Yarbrough voted no. The motion did not pass.**

Ms. Saavedra stated that the strength of the language needed to be addressed and include the boards’ authority to enforce a ratio when deemed appropriate.

**Motion: Adopt the revised language. Motion made by Ms. Saavedra, seconded by Ms. Mendez-Harper, Mr. Carrier voted yes, Mr. Anderson voted yes, Mr. Cross voted no, Ms. Buesing voted no, Ms. Mendez-Harper voted no, Ms. Yarbrough voted yes. The motion passed.**

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings. H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation. April 18-19, 2013*
**16.19.22.7 DEFINITIONS:**

**F. I.** “Stocking” means placement of the prescription drug container on the pharmacy shelf. **Placing prescription drugs on pharmacy shelf, in bin or dispensing technology system.**

**H. K.** “Support personnel” means pharmacy personnel other than pharmacy technicians, which may include clerks, secretary’s and delivery personnel, who under the supervision of a pharmacist, may perform duties associated with the practice of pharmacy, excluding the direct processing and filling of prescriptions, stocking prescription drugs in sites that do not utilize a barcode verification, electronic verification or similar verification process to insure correct selection of medication, or duties restricted to only a pharmacist, pharmacist intern, or pharmacy technician.

**16.19.22.10 RATIO OF TECHNICIANS TO PHARMACISTS:**

A. The permissible ratio of pharmacy technicians to pharmacists on duty is to be determined by the Pharmacist in Charge. Support personnel are not included in this ratio.

B. The ratio may be increased if the pharmacy submits to the Board of Pharmacy a protocol for increased ratios and the Board approves the protocol.


d. **16.19.30 NMAC Compounding of Non-Sterile Pharmaceuticals**

Remove section on compounding for practitioner’s office use

**Motion: Adopt language as amended. Motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, Mr. Carrier, Ms. Saavedra, Ms. Buesing, Ms. Yarbrough voted yes and Mr. Cross voted no. The motion was passed.**

**16.19.30.9 OPERATIONAL STANDARDS:**

A. General requirements.

(1) Non-sterile drug products may be compounded in licensed pharmacies as a result of a practitioner’s prescription order based on the practitioner-patient-pharmacist relationship in the course of professional practice.

(2) Preparing limited quantities of prescription drug orders in anticipation based upon a history of receiving valid prescriptions issued within an established practitioner-patient-pharmacist relationship in the course of professional practice.

(a) The beyond-use date should be based on the criteria outlined in USP Chapter <795>.

(b) Any product compounded in anticipation of future prescription drug or medication orders shall be labeled. Each label shall contain:

(i) name and strength of the compounded medication or list of the active ingredient and strengths;

(ii) facility’s lot number;

(iii) beyond-use date;

(iv) quantity or amount in the container.

(3) Commercially available product may be compounded for dispensing to individual patients provided the following conditions are met:

(a) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet patient’s needs; and

(b) the prescribing practitioner has requested that the drug be compounded; or

(c) if the compounded product is changed to produce for that patient a significant difference, as authorized by the prescriber, between the compounded drug and the comparable commercially available drug product, or if use of the compounded product is in the best interest of the patient; “significant difference” would include the removal of a dye for medical reason such as an allergic reaction; when a compounded product is to be dispensed in place of a commercially available product, the prescriber and patient shall be informed that the product will be compounded.

(4) Compounding for a prescriber’s office use.

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(a) Pharmacies may prepare compounding drug products for a duly authorized prescriber’s office use.
(b) An order by the duly authorized prescriber, indicating the formula and quantity ordered will be filed in the pharmacy.
(c) The product is to be administered in the office.
(d) A record of the compounded drug product may be kept as a prescription record in the pharmacy computer or by hard copy record.
(e) A label may be generated and a number assigned by the pharmacy computer for the compounded drug product.

(a) Prescriptions for animals may be compounded based on an order or prescription from a duly authorized veterinarian.
(b) These prescriptions are to be handled and filled the same as the human prescriptions.
(c) Compounding pharmacies/pharmacists may advertise and promote the fact that they provide non-sterile prescription compounding services which may include specific drug products and classes of drugs.

7. 11:00 a.m. Disciplinary Hearings:

a. 2012-064 Kelly Kemper – Notice of Hearing 11:00 a.m.
   *(Bean & Associates will record hearing)*

The Chairman opened the hearing at 11:05 and took roll call. Present were Mr. Carrier, Ms. Saavedra, Ms. Buesing, Mr. Anderson, Ms. Yarbrough and Ms. Mendez-Harper.

Administrative Prosecutor Ms. Gloria Lucero and Assistant Attorney General, Nick Sadow was seated with Ms. Gloria Lucero for the state. Ms. Debbie Solove with the Miller Law Firm was present and representing Ms. Kelly Kemper.

Witnesses present were Tischa Becker, Riley Kemper, Ben Kesner, Joan McManus, Mary Freies McGarry and respondent Kelly Kemper.

Ms. Gloria Lucero stipulated and entered into record 10 exhibits and one CD.

Testimony by all parties was heard and the Chairman closed the hearing at 1:30 p.m. A motion was made to go into closed session at 1:30 to deliberate.

Motion: Go into closed session to deliberate case 2012-064 Kelly Kemper. Motion made by Ms. Mendez-Harper, seconded by Ms. Buesing, Mr. Carrier, Ms. Saavedra, Ms. Buesing, Mr. Anderson, Ms. Yarbrough and Ms. Mendez-Harper, voted unanimously to pass the motion.

The board went back into open session at 2:26 p.m. and the only issue discussed was case 2012-064 Kelly Kemper at which time the board informed Ms. Kemper that a decision would be forthcoming after review of the transcripts and would present the decision and action at the June 2013 board meeting.

8. Committee Reports:

**Pharmacist CE Committee:** Mr. Anderson commented that the CPD pilot project is starting the peer review process.

**Sterile Products Committee:** Ms. Buesing commented on supplemental guidelines to USP<797>.

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings. H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation.*

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**Pharmacist Clinician Committee:** Mr. Anderson commented on proposed changes to the Pharmacist and Clinician applications and protocols.

**Board of Pharmacy/BAOM Education Committee:**

*Report from Barbara Maddoux:*

April 3, 2013 Minutes Joint BAOM Rx/BOP Committee Conference Call 7:30 AM

Committee Members Present:
Barbara Maddoux, RN,DOM,Rx2, Chairman
Angelique Cook-Lowry, DOM,Rx2
Joe Anderson, PharmD,PhC
Frances Lovett, PharmD,PhC
Fiquet Duckworth,DOM,Rx2
Missy Crum,DOM,Rx1
Tom White, RPh,PhC  Subsequent call in and yes vote

The meeting was called to order at 7:30AM. As people joined the call, discussion was held to clarify proposed draft language from previously discussed and emailed documents for the Educational Course for Injection Therapy. A vote was held to approve the proposed draft language and passed unanimously. It will be presented to the BAOM at their next meeting April 12, 2013.

**16.2.18.14 INJECTION THERAPY EDUCATIONAL COURSE APPROVAL:** The board shall approve an injection therapy educational program upon completion of the following requirements. The educational course shall submit to the board:

A. The completed application form provided by the board;
B. payment of the application fee for expanded practice educational course approval specified in 16.2.10 NMAC;
C. documentation that it will comply with all educational course approval general requirements defined in 16.2.18.7 NMAC;
D. documentation demonstrating that it will provide the educational course general curriculum defined in 16.2.18.10 NMAC;
E. documentation demonstrating that it will provide the injection therapy educational course hours defined in 16.2.18.16 NMAC; and
F. documentation demonstrating that it will provide the injection therapy educational course curriculum defined in 16.2.18.17 NMAC.

G. documentation of examination and testing to be administered to each applicant with a passing grade of at least 70 to demonstrate learned knowledge. (Final certification is dependent on Instructor's Approval.)

[16.2.18.14 NMAC - N, XX-XX-XX]

**16.2.18.15 Injection Therapy Course Prerequisites:**

A. Licensed doctor of oriental medicine in New Mexico; and
B. Board certification in basic injection therapy.

[16.2.18.15 NMAC - N, XX-XX-XX]

**16.2.18.16 INJECTION THERAPY EDUCATIONAL COURSE HOURS:** The education shall be completed within 2 years of commencement of the course (16.2.18.7 G) and consist of a minimum total of one hundred fifteen (115) hours and with at least the minimum number of hours of education in the areas listed below:

A. eight (8) hours in pharmacology, relevant pharmaceutical law, differential diagnosis relative to the selection, prescription, compounding and administration, of the authorized substances in the injection therapy formulary listed in 16.2.20.8 F.2 NMAC, and the use of some of these substances as pain medicine. Upon completion and certification in Injection Therapy some of these substances can be used with previously learned Basic Injection techniques including trigger point, mesotherapy, and neural therapy techniques.
B. four (4) hours in the art and practice of phlebotomy in order to safely perform injection of ozone or platelet rich plasma when considered as appropriate therapeutic intervention. At least half of the required hours shall be in clinical practice;
A certificate of completion of a board approved course in Phlebotomy is acceptable.
C. fifteen (15) hours in a board approved course in oxidative medicine;
D. fifty two (52) hours to include:
   (1) the scientific principals of prolotherapy,
   (2) aseptic technique as it relates to injecting a joint,
   (3) detailed anatomy of joints, supporting soft tissue structures, and specific injection sites,

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings.

H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation.  
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The Chairman asked to go into closed session to discuss the MTP report.

Motion: Go into closed session to discuss the MTP report and case presentations. Motion made by Mr. Cross, seconded by Mr. Anderson, Mr. Carrier, Ms. Saavedra, Mr. Anderson, Ms. Carrier, Mr. Anderson, Ms. Brown, Mr. Cross, Mr. Anderson, Ms. Carrier, Mr. Carrier, Ms. Brown.

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings. H(1) are Licensing matters, H(2) is limited to Personnel matters, H(7) is pending or threatened litigation.

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Mr. Cross, Ms. Buesing, Ms. Mendez-Harper, Ms. Yarbrough and Chairman Mazzoni voted unanimously to pass the motion.

The Board went back into open session and the only issue discussed was the MTP report and case presentations.

**Friday April 19, 2013**

1. **9:15 a.m.  Call to Order/Roll Call**

Present were Mr. Carrier, Ms. Saavedra, Mr. Anderson, Mr. Danny Cross, Ms. Amy Buesing, Ms. Anise Yarbrough and the Chairman Mr. Richard Mazzoni. Ms. Lugina Mendez-Harper will be late. Ms. Mendez-Harper arrived at 9:35 a.m.

2. **9:30 a.m.  Disciplinary Hearings:**

   a. **2012-028 Stephen D. Ellwood – Notice of Hearing 9:30 a.m.**

      *(VIA EMAIL Mr. Ellwood has waived his right to the hearing)*

      The Chairman, Mr. Mazzoni opened the hearing at 9:31 and took roll call. Present were Mr. Carrier, Ms. Saavedra, Mr. Anderson, Mr. Cross, Ms. Buesing, Ms.Yarbrough, and Ms. Mendez-Harper is absent. Also present were Administrative Prosecutor, Gloria Lucero, Inspector Adela Padilla (board witness) and Assistant Attorney General.

      Mr. Stephen D. Ellwood was not present and informed the board via email that he would not be attending the hearing.

      Exhibits 1-14 were entered into the record by Administrative Prosecutor, Gloria Lucero. Ms. Lucero proceeded with testimony as well as Inspector, Adela Padilla.

      The hearing was closed by Chairman Mazzoni and stated that the board would make it’s decision and deliberate in executive session and present it’s decision by the end of the day.

      Motion: Issue a decision for revocation for Stephen Ellwood pursuant to 16.19.4.9(C)1,2,5 and 15 NMAC, false representation on two separate applications for licensure. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass motion.

      Mary Smith asked the chairman to give Mr. Cross the authority to work with her to determine the specific terms of the decision and order, the findings of fact and determining the conclusions of law that reflect the boards’ decision regarding the violation that was cited. The Chairman granted the request.

3. **10:30 a.m.  Public and Professional Requests/Waiver Petitions:**

   a. **Ashely Reed – 2011-043 License Status:** Ms. Reed was present with her attorney Ms. Molly Wanuara, Ms. Molly Wanuara asked the board to consider modifying the agreement to eliminate the word "probation" and release Ms. Reed from the one year probation as stated in the agreement. She stated that it was very

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difficult for Ms. Reed to obtain employment and she was not able to enroll into the executive Pharm D program due to the probation status.

The board went into closed session to discuss Ms. Ashley Reed’s release from probation and deliberate the Stephen Ellwood case.

Motion: Go into closed session. Motion made by Ms. Buesing, seconded by Ms. Yarbrough, Mr. Carrier, Ms. Saavedra, Mr. Anderson, Mr. Cross, Ms. Mendez-Harper and Mr. Mazzoni voted unanimously to pass the motion.

The board went back into open session and the only issues discussed were the Ashley Reed case and the Stephen Ellwood case.

Motion: Deny the request for early release from probation for Ashley Reed. Motion made by Ms. Mendez-Harper, seconded by Ms. Saavedra, board voted unanimously to pass the motion.

b. Bobby M. Arther - ECO Medical Supply, LLC – Waiver request 16.19.8 NMAC:  
(teleconference)
Mr. Bobby Arther was not in attendance nor was he available for teleconference.

Inspector, Adela Padilla stated that she and Inspector, Bobby Padilla and Inspector, Cheranne McCracken performed several inspections at Mr. Arther’s residence. As a result of the inspections, they found that the area he stored medical supplies was very hot, urine appeared to be on the floor, animal hair was present and kitty litter, trash was on the floor. The door to where the drugs were kept was not locked, there was no humidity thermometer, at least 80 degrees in the room, dust, it appeared that dogs on the property had free range of the house, and the refrigerator temperature was 38 degrees. She also stated that there was no documentation of pedigree, no policy and procedure manuals and he did not respond to the 30-day notice to rectify these issues.

Ms. Padilla stated that he is requesting a waiver at this time to allow his residence be licensed as a wholesaler.

during closed session to discuss case presentations the board requested that a case number be assigned for Bobby Arther, ECO Medical Supply and will be issued and NCA.

Motion: Deny the waiver request and assign a case number and issue an NCA w/pre-nca settlement agreement to revoke license. Motion made by Ms. Mendez-Harper, seconded by Ms. Yarbrough.

c. Paul Schentrup – Release probation status: Mr. Paul Schentrup was present and asked the board to release him from probation as he has completed the MTP program successfully. The board determined that Mr. Schentrup’s probation was completed in July of 2012 prior to the board meeting.

d. Sun Healthcare formulary request – Jeff Schwaner: Table request, Mr. Schwaner not present.

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e. Dale Tinker – Discussion of protocol to allow pharmacists to prescribe Narcan: Mr. Dale Tinker was present and asked the board to accept the protocol to allow pharmacist’s to prescribe narcan. Mr. Tinker stated that our state has the highest rate of overdose deaths due to prescription drugs.

The board made an informal acceptance of protocol and encouraged that the project move forward and will be presented at a future board meeting.

f. Christine Martinez-Vigil, R.Ph. – El Centro Family Health - waiver to dispense intranasal naloxone: Ms. Vigil was present and asked that the requirements for square footage be waived as she is dispensing naloxone kits to patients of the clinic.

Motion: Waive the square footage as required in rule 16.19.10.11 NMAC to allow the class C clinic to dispense naloxone kits for two years. Motion made by Mr. Cross, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Ms. Saav德拉 asked that a committee revisit 16.19.10 NMAC regarding school based clinics.

Ms. Mendez-Harper asked Ms. Christine Vigil to participate in the Pharmacy Practice Committee to revisit these types of clinic. Ms. Vigil accepted the request.

g. Brian Sallee – proposing changes to 16.19.20.53 NMAC: Mr. Brian Sallee and Mr. Bill Harvey presented proposed language for 16.19.20.53 NMAC regarding reporting via electronic and logging and collecting information of pseudoephedrine for every pharmacy in the state.

Motion: Notice the proposed language to 16.19.20.53 at the June 2013 board meeting. Motion made by Ms. Saavedra, seconded by Ms. Buesing, board voted unanimously to pass the motion.

h. Angela DiPaolo – Waiver request minimum standards 16.19.11.8 NMAC: Table, Ms. Angela DiPaolo not present.

i. Andrew Hall – Request to approve CE: Table request, Mr. Hall not present.

j. PharMerica – Debra Herman: Automation in LTCFs:

4. 2:00 p.m. Barbara Maddoux, RN, DOM – Injection Therapy Course Approval:

Barbara Maddoux presented proposed language for 16.2.18 NMAC Injection Therapy Education Course Approval. The board approved the injection therapy language.

Motion: Approve 16.2.18.14 NMAC – 16.2.18.17 NMAC proposed language. Motion made by Mr. Cross, seconded by Ms. Saavedra, board voted unanimously to pass motion.

16.2.18.14 INJECTION THERAPY EDUCATIONAL COURSE APPROVAL: The board shall approve a injection therapy educational program upon completion of the following requirements. The educational course shall submit to the board:

A. The completed application form provided by the board;
B. payment of the application fee for expanded practice educational course approval specified in 16.2.10 NMAC;
C. documentation that it will comply with all educational course approval general requirements defined in 16.2.18.7 NMAC;
D. documentation demonstrating that it will provide the educational course general curriculum defined in 16.2.18.10 NMAC;
E. documentation demonstrating that it will provide the injection therapy educational course hours defined in 16.2.18.16 NMAC;

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F. documentation demonstrating that it will provide the injection therapy educational course curriculum defined in 16.2.18.17 NMAC.
G. documentation of examination and testing to be administered to each applicant with a passing grade of at least 70 to demonstrate learned knowledge. (Final certification is dependent on Instructor's Approval.)
[16.2.18.14 NMAC - N, XX-XX-XX]

16.2.18.15 Injection Therapy Course Prerequisites:
A. Licensed doctor of oriental medicine in New Mexico; and
B. Board certification in basic injection therapy.
[16.2.18.15 NMAC - N, XX-XX-XX]

16.2.18.16 INJECTION THERAPY EDUCATIONAL COURSE HOURS: The education shall be completed within 2 years of commencement of the course (16.2.18.7 G) and consist of a minimum total of one hundred fifteen (115) hours and with at least the minimum number of hours of education in the areas listed below:
A. eight (8) hours in pharmacology, relevant pharmaceutical law, differential diagnosis relative to the selection, prescription, compounding and-administration, of the authorized substances in the injection therapy formulary listed in 16.2.20.8 F.2 NMAC, and the use of some of these substances as pain medicine. Upon completion and certification in Injection Therapy some of these substances can be used with previously learned Basic Injection techniques including trigger point, mesotherapy, and neural therapy techniques.
B. four (4) hours in the art and practice of phlebotomy in order to safely perform injection of ozone or platelet rich plasma when considered as appropriate therapeutic intervention. At least half of the required hours shall be in clinical practice;
A certificate of completion of a board approved course in Phlebotomy is acceptable.
C. fifteen (15) hours in a board approved course in oxidative medicine;
D. fifty two (52) hours to include;
(1) the scientific principals of prolotherapy,
(2) aseptic technique as it relates to injecting a joint,
(3) detailed anatomy of joints, supporting soft tissue structures, and specific injection sites,
(4) orthopedic and neurological functional evaluation,
(5) the use of platelet rich plasma and prolozone,
(6) theory and practice of advanced neural therapy techniques
(7) differentiation and selection of authorized substances in the injection therapy formulary 16.2.20.8 F.2.
At least half of these required hours shall be clinical practice.
E. 30 hours of diagnostic musculoskeletal ultrasound and ultrasound guided musculoskeletal procedures from a board approved course.
F. 6 hours in the theory and practice of advanced injection therapy techniques including: mesotherapy including cellulite reduction and apitherapy refer to 16.2.18.7 H. At least half of these hours shall be in clinical practice.
A certificate of completion from a board approved course in Advanced Mesotherapy or Apitherapy will be considered to meet these hours. [16.2.18.16 NMAC - N, XX-XX-XX]

16.2.18.17 INJECTION THERAPY EDUCATIONAL COURSE CURRICULUM: The injection therapy educational course curriculum shall provide the doctor of oriental medicine, who successfully completes the course, with the educational course general curriculum knowledge and skills defined in 16.2.18.10 and 16.2.18.13 NMAC and the following specific knowledge and skills:
A. Regenerative injection therapy (RIT or prolotherapy):
1. Knowledge and understanding of the scientific principals of prolotherapy, its application, alternatives, risks and consequences.
2. Skill in recognizing the most common pain patterns generated from injured and lax ligaments of the joints of the extremities, lumbar and sacral regions; and
3. Knowledge of the concept of tissue regeneration and proliferation and how it can be promoted in the body: and
4. Skill in injecting some of the most commonly treated ligamentous, tendonous, and cartilaginous and intra-articular structures of the joints of the extremities, lumbar and sacral regions.
5. Knowledge and skill in how to perform regional anesthesia or a nerve block for pain relief.
6. Knowledge and skill in the use of diagnostic musculoskeletal ultrasound and ultrasound guided procedures.
B. Knowledge of orthopedic and neurological physical exam and differential diagnosis:
1. Knowledge of anatomy of the regions to be examined and treated;
2. Skill in selecting and performing orthopedic and neurologic physical examination methods including but not limited to reflex testing, motor power testing, sensory exam, common orthopedic provocations, ligament stretch testing, accurate palpation and marking of anatomic landmarks, ligament and tendon compression testing.
3. Skill in interpreting physical exam signs in context as evidence for or against the differential diagnoses,
4. Knowledge of the most common orthopedic pain differential diagnoses for these areas as well as other medical differential diagnoses that should be ruled out;
5. Knowledge of the most important treatment options for these differential diagnoses;
C. Knowledge of how to generate and carry out a comprehensive treatment plan that addresses the causative factors leading to pain and dysfunction from the perspective of the understanding of each style of injection therapy, offers post treatment palliation and provides post therapy recommendations to support rehabilitation and prevent recurrence;

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings.

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1. knowledge of how to explain to the patient the purpose of the therapy, the expected outcome and possible complications of the therapy that could occur;
   2. knowledge of the anatomical locations that are relatively safe for injection therapy, as well as those locations that should be avoided for injection therapy.
E. Knowledge and skill to perform phlebotomy and collect and centrifuge blood to be used for platelet rich plasma injection.
1. knowledge of diagnostic and physical exam findings which indicate the need for platelet rich plasma as a treatment modality.
F. Advanced Neural Therapy techniques:
1. knowledge and skills as described in 16.2.18.13 of Basic Injection
G. Advanced Mesotherapy:
1. knowledge of how to evaluate and treat the patient with cellulite including determination of a treatment plan, utilizing appropriate substance(s) and dosing to accomplish treatment goals.
2. knowledge of how to evaluate and treat fat.
3. knowledge of technique of injections to reduce fat or cellulite.
4. knowledge of mechanisms of action of substances used for cellulite and fat reduction.
H. Apitherapy
1. knowledge of and skill in performing apitherapy,
2. understanding theory and application of apitherapy, expected outcomes, benefits and potential risks and complications.
[16.2.18.17 NMAC - N, XX-XX-XX]

5. Executive Director’s Report* (may be heard at any time during the two day meeting)

a. Case presentations:

   Ben Kesner:  
   2012-054/close  
   2011-076/rescind NCA and close  
   2012-068/close  
   2013-020/VS & stipulated agreement  
   2013-024/close

   Cheranne McCracken:  
   2012-100/NCA  
   2013-003/close  
   2013-016/table  
   2013-021/close

   Bobby Padilla:  
   2012-097/NCA  
   2013-004/VS  
   2013-014/NCA

   Kris Mossberg:  
   2012-098/NCA  
   2013-010/close  
   2013-017/NCA

   Adela Padilla:  
   2012-034/NCA  
   2012-055/close  
   2012-069/close  
   2012-073/close  
   2013-022/close

NCA = Notice of Contemplated Action  
VS = Voluntary Surrender

Motion: Close cases 2012-069, 2012-070, 2012-073, 2013-010. Motion made by Ms. Yarbrough, seconded by Mr. Cross. Ms. Saavedra, Ms Buesing, Mr. Anderson, Mr. Cross, Ms. Yarbrough and Mr. Mazzoni voted unanimously to pass motion. Ms. Mendez-Harper recused herself from the vote.

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings.  H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation.  April 18-19, 2013

Motion: **Table case** 2013-016. Motion made by Ms. Mendez-harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: **Rescind NCA** for case 2011-076. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass motion.

Motion: **Issue NCA w/pre-settlement agreement** to case 2012-100. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass motion.

Motion: **Issue NCA w/pre-settlement agreement voluntary surrender then revoke** to case 2012-034. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass motion.

Motion: **Issue NCA’s w/pre-settlement agreements** to cases 2012-098, 2013-009, 2013-017. Motion made by Ms. Mendez-Harper, seconded by Ms. Yarbrough, board voted unanimously to pass motion.

Motion: **Issue NCA w/pre-settlement agreement** to case 2013-002. Motion made by Mendez-Harper, seconded by Ms. Saavedra, board voted unanimously to pass motion.

Motion: **Issue NCA w/pre-settlement agreement to simultaneously revoke and summary suspension** to case 2012-097. Motion made y Ms. Harper-Mendez, seconded by Mr. Anderson, board voted unanimously to pass motion.

Motion: **Issue NCA w/pre-settlement agreement to surrender** to case 2013-019. Motion made by Ms. Harper-Mendez, seconded by Mr. Anderson, board voted unanimously to pass motion.

Motion: **Accept voluntary surrender** case 2013-004. Motion made by Ms. Mendez-Harper, seconded by Ms. Saavedra, board voted unanimously to pass motion.

Motion: **Accept voluntary surrender** for cases 2013-012, 2013-014. Motion made by Ms. Harper-Mendez, seconded by Mr. Anderson, board voted unanimously to pass motion.

### b. Change intern fee 16.19.5.8.E(12) NMAC to $25.00:

Motion: Amend the fee from $10.00 to $25.00. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

### c. District 6-7-8 meeting September 8-11, 2013:

Mr. Loring stated that one board member and one staff member may attend the district meeting and to inform him who will be attending.
**d. NABP Annual meeting May 18-21, 2013:**

Mr. Mazzoni and Ms. Mendez-Harper will attend and Mr. Lorings’ attendance is tentative until RLD approves the request.

**e. Emily Jerry Foundation letter:**

Mr. Loring informed the board that he received a letter from the Emily Jerry Foundation regarding how the states regulate technicians.

**f. Licensee Fines – Suspensions:**

Ms. Wilhite, Administrative Secretary for the board presented a list of overdue fines for licensees that date back from 1996 – current. The board asked that she proceed with compiling the licensees that owe fines on a spreadsheet and present at a later date.

**g. 16.19.4.10 CPE proposed changes:**

**Motion:** Notice proposed language to 16.19.4.10 NMAC at the June 2013 board meeting. Motion made by Ms Mendez-Harper, seconded by Ms. Saavdra, board voted unanimously to pass the motion.

**h. NABP Resolutions:**

Ms. Mendez-Harper will get feedback from board members and pass on to Mr. Loring.

**i. NMAG Prescription Drug Abuse Awareness Summit May 23, 2013:**

Mr. Loring and Mr. Mazzoni will attend.

**j. NGA Prescription Drug Abuse Prevention Meeting April 18, 2013:**

Carl Flanbaum is the NMBOP Prescription Monitoring Program Director. He and Mr. Loring attended the meeting. Mr. Flansbaum stated that there was positive feedback regarding the PMP reporting system.

**k. Health Care Work Force Data Collection, Analysis and Policy Act, 24-14C:**

**Soniclear 4:01** Survey relevant to NMBOP practitioners.

*Mr. Allen Carrier left the board meeting at 3:15 p.m.*

**l. DEA Pharmacy Diversion Awareness Conference held March 2 & 3:**

**Soniclear 4:45** Mr. Loring attended the first day.

**m. Martin Dix – Pharmacy, veterinarian fee sharing:**

The board does not give legal advise or research.
n. Mary Smith, Assistant Attorney General – “Open Meetings Act” amendments:

Ms. Smith stated that the timeframes for posting notices and final updating of agenda’s will have an affect on the June 2013 board meeting. Posting the final agenda will have to be posted no later than 72 hours before the board meeting.

o. State of Disarray – Congress report on compounding pharmacies:

Jenny, current intern at the board gave a summary.

6. Stipulated or Settlement Agreements/Surrenders/Default Hearings and Orders

- 2011-080 and 2011-087 Rescind NCA’s – Brian Ridgeway
- 2012-040 Stipulated Agreement – Jim Gaynor
- 2012-062 Default Revocation – Ramon Ramirez
- 2012-010 Unlicensed Custodial – Unclaimed – Ron Gonzales
- 2013-020 Voluntary Surrender/Stipulated Agreement – Cecil Silva
- 2013-027 Voluntary Surrender – Anastacia Barka

Motion: Approve rescinding NCA’s 2011-080 & 2011-087 for Brian Ridgeway. Motion made by Mr. Cross, seconded by Ms. Saavedra, board voted unanimously to pass motion.

Motion: Approve stipulated agreement 2012-040 for Jim Gaynor. Motion made by Mr. Anderson, seconded by Mr. Cross, board voted unanimously to pass motion.

Motion: Issue default revocation 2012-062 for Ramon Ramirez. Motion made by Mr. Cross, seconded by Mr. Anderson, board voted unanimously to pass motion.

The board will send a notice of hearing to Ron Gonzalez for case 2012-010 to appear at the June 2013 board meeting.

Motion: Accept the voluntary surrender for case 2013-020, Cecil Silva and case 2013-027 for Anastacia Barka. Motion made by Ms. Saavedra, seconded by Mr. Anderson, board voted unanimously to pass motion.

Motion: Accept the stipulated agreement for cases 2011-077, 2011-078, 2011-079 and 2012-002, for Robert McClelland RP4533

Recess meeting 4/18/13 at 5:44

Motion: Adjourn meeting 4/19/13 at 4:52. Motion made by Mr. Cross, seconded by Mr. Anderson, board voted unanimously to pass motion.

Notice the June 2013 board meeting to start at 8:00 a.m.

*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) or Section 10-15-1H(7) of the Open Meetings Act. Agenda items may be executed within the two day scheduling period to accommodate hearings. H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation. April 18-19, 2013*