



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Board of Pharmacy

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www.rld.state.nm.us/pharmacy

August 29 - 30, 2011 Board Meeting Minutes

New Mexico Board of Pharmacy Regular Board Meeting

Location: Ruidoso Convention Center, 111 Sierra Blanca Dr. Ruidoso, New Mexico

Call to Order: The meeting was called to order by the Chairman Danny Cross, R.Ph., at 9:15 a.m.

MEMBERS PRESENT: Danny Cross, R.Ph., Chairman
Richard Mazzoni R.Ph., Member
Ray Nunley R.Ph., Member
Amy Buesing R.Ph., Member
Buffie Saavedra-Shean, Public Member
Joe Anderson R.Ph., Member
LuGina Mendez-Harper R.Ph., Member

MEMBERS ABSENT: Allen Carrier, Public Member

STAFF ATTENDING: William Harvey, Executive Director
Debra Wilhite, Administrative Secretary
Mary Smith, Assistant Attorney General
Larry Loring, Inspector

MONDAY AUGUST 29, 2011

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

Present were Mr. Anderson, Ms. Mendez-Harper, Mr. Nunley, Mr. Mazzoni, Ms. Buesing, Ms. Saavedra-Shean and Chairman Danny Cross. Mr. Carrier was absent.

3. **Approval of the Agenda:**

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

4. **Approval of June 2011 Minutes:**

Mr. Mazzoni stated that the entry of "staff absent" should read "members absent". The board approved the minutes as amended.

Motion made by Ms. Saavedra-Shean, seconded by Ms. Mendez-Harper, board voted unanimously to pass the motion.

5. **Applications:** a) **Application List**

Ms. Lugina Mendez-Harper presented the application list to the board.

Motion: 10 Clinic applications all are in order. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, board voted unanimously to pass motion.

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

Motion: 1 Animal Control application and is in order. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, board voted unanimously to pass motion.

Motion: 3 Limited Controlled Substance applications and are in order. Motion made by Mr. Mazzoni, seconded by Ms. Mendez-Harper, board voted unanimously to pass motion.

Motion: 17 Custodial Nursing Home applications all are in order. Motion made by Mr. Mazzoni, seconded by Mr. Nunley, board voted unanimously to pass motion.

Motion: 6 Pharmacy/Hospital applications all are in order. Motion made by Mr. Nunley, seconded by Mr. Anderson, board voted unanimously to pass motion. Mr. Mazzoni recused himself from voting.

Motion: 16 Non-Resident Pharmacy applications all are in order. Motion made by Mr. Mazzoni, seconded by Mr. Nunley, board voted unanimously to pass motion.

Motion: 47 Wholesale/Broker applications all is in order. Motion made by Mr. Mazzoni, seconded by Ms. Saavedra-Shean, board voted unanimously to pass motion.

*NEW MEXICO BOARD OF PHARMACY
REGULAR MEETING
APPLICATION LIST
August 29 & 30, 2011*

CLINIC /HOME HEALTH

*1. Christus St Vincent DeVargas After Hours
510 North Guadalupe Suite C
Santa Fe, NM 87507*

*2. El Centro Family Health
403 Prospect Avenue
Springer, NM 87747*

*3. Kaseman (PMG) Neurology
8120 Constitution Place NE #120
Albuquerque, NM 87110*

*4. La Resolana Leadership Academy Pharmacy
1718 Yale Blvd SE
Albuquerque, NM 87106*

*5. Otero County Detention
1958 Dr Martin Luther King Jr Drive*

CONSULTANT PHARMACIST

*Relocation
Terri Willis, R.Ph.*

*Remodel
Terra Liddil, R.Ph.*

*New
Richard Gutierrez, R.Ph.*

*Change of Ownership
Robert Ghattas, R.Ph.*

*New
Gail Waters, R.Ph.*

Alamogordo, NM 88310

6. Presbyterian Rust Medical Sample Clinic
2400 Unser Blvd
Rio Rancho, NM 87124

New
Anna Marie Garcia, R.Ph.

7. Santa Fe Home
2100 Calle de la Vuelta Suite 101-A
Santa Fe, 87505

New
Jeanne Doucette, R.Ph.

8. UNM Cardiology Clinic
4808 McMahon Blvd NW
Albuquerque, NM 87114

New
Charles Vandiver, R.Ph.

9. UNM Dental Services Ambulatory
1801 Camino de Salud Suite 1100
Albuquerque, NM 87131

New
Charles Vandiver, R.Ph.

10. UNM Dental Ambulatory Surgery Center
1801 Camino de Salud Suite 1200
Albuquerque, NM 87102

Relocation
Charles Vandiver, R.Ph.

EMERGENCY MEDICAL SERVICES

CONSULTANT PHARMACIST

1. Pena Blanca Fire District
10 Camino de Comunidad
Pena Blanca, NM 87041

New
Jerry Ritchie, R.Ph.

2. Phi Air Medical 50
2505 Clark Carr Loop
Albuquerque, NM 87106

New
Shannon Rankin, R.Ph.

3. Santo Domingo EMS
75 West Hwy 22
Santo Domingo Pueblo, NM 87052

Relocation
Richard Cafiero, R.Ph.

ANIMAL CONTROL

CONSULTANT PHARMACIST

Lovelace Respiratory Research Institute
2425 Ridgecrest Drive SE
Albuquerque, NM 87108

Relocation
Billy Weast, R.Ph.

LIMITED CONTROLLED SUBSTANCES

1. Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508

New

2. Lovelace Respiratory Research Institute
2425 Ridgecrest Drive SE
Albuquerque, NM 87108

New

3. Scientific Laboratory Division
NM Department Health

New

1101 Camino de Salud NE
Albuquerque, NM 87102

CUSTODIAL/NURSING HOME

1. Advantage Communications
3505 Calle Cuevo NW #1311
Albuquerque, NM 87114

2. Advantage Communications
6303 Indian School NE #902
Albuquerque, NM 87111

3. ARCA
1805 Wildwood
Albuquerque, NM 87105

4. Berdine Hull
2336 Britt Street NE
Albuquerque, NM 87112

5. Campo Behavioral Health
2884 Carretas
Las Cruces, NM 88007

6. Center for Function & Creativity
10701 Coors Blvd NW Suite 17
Albuquerque, NM 87114

7. Community Options Inc
4262 Juniper Hill Road
Santa Fe, NM 87507

8. Del Sol Senior Sitters
Adult Day Care
3609 LaFayette NE
Albuquerque, NM 87107

9. Esperanza Development Services
2727 Wilshire Drive Apt 27C
Roswell, NM 88201

10. Esperanza Development Services
503 New Mexico Drive
Roswell, NM 88203

11. Expressions of Life
359 Dolores Street
Los Lunas, NM 87031

CONSULTANT PHARMACIST

New
Ronald Lujan, R.Ph.

New
Ronald Lujan, R.Ph.

New
Lori Carabaja, R.Ph.

New
Lori Carabaja, R.Ph.

New
Scott Wallis, R.Ph.

New
Lori Carabaja, R.Ph.

New
Charles Vandiver, R.Ph.

New
Clover Wagner, R.Ph.

New
Brian Doyle, R.Ph.

New
Brian Doyle, R.Ph.

New
Joel Villarael, R.Ph.

12. Home Sweet Home Assisted Living
2200 Palomas Drive NE
Albuquerque, NM 87110

New
Perry Storey, R.Ph.

13. Lillian Padilla
10511 Vecchio NW
Albuquerque, NM 87114

New
Tuesday Horner, R.Ph.

14. Lotus Home Galaxia
9109 Galaxia Way NE
Albuquerque, NM 87111

New
Shauna Hoover, R.Ph.

15. Onyx Supportive Living LLC
10500 Vista Bella NW
Albuquerque, NM 87114

New
Billy Weast, R.Ph.

16. Southwest Counseling Center Inc
118 S Main Street
Las Cruces, NM 88001

New
Raymond Rede, R.Ph.

17. Wheatfields Senior Living Community
4701 N Prince Street
Clovis, NM 88101

New
Debra Herman, R.Ph.

PHARMACY /HOSPITAL

1. CVS Pharmacy
1500 Tramway Blvd NE
Albuquerque, NM 87112

PHARMACIST IN CHARGE

New
James Brown, R.Ph.

2. CVS Pharmacy
10700 Unser Blvd NW
Albuquerque, NM 87114

New
James Brown, R.Ph.

3. Heart Hospital of New Mexico @ Lovelace
Medical Center
Albuquerque, NM 87102

Change of Ownership
Edward Cole, R.Ph.

4. Highland Pharmacy
717 Encino Place NE
Albuquerque, NM 87102

Remodel
Art Hayman, R.Ph.

5. Lawrence Brothers Pharmacy
Mal Enterprises
900 W 2nd Street
Roswell, NM 88201

Remodel
Robert Bell, R.Ph.

6. St Vincent Hospital
DBA Christus St Vincent Physicians
Medical Center Pharmacy
2990 Rodeo Park Drive East
Santa Fe, NM 87505

Change of Ownership
Michael Lacey, R.Ph.

NON-RESIDENT PHARMACY

1. *Breath of Life Home Oxygen LTD*
2612 Gravel Drive
Fort Worth, TX 76118

2. *Cantrell Drug Company*
7321 Cantrell Road
Little Rock, AR 72207

3. *Caprock Discount Drug*
2625 50th Street
Lubbock, TX 79413

4. *Cardinal Health 414 LLC*
793 Via Lata
Colton, CA 92324

5. *Compounding Corner Pharmacy*
1730 Williams Trace Blvd #K
Sugarland, TX 77478

6. *Crowley-Gettys A Professional Corp*
DBA Pathway Specialty Compounds
2560 E Sunset Road Suite 120
Las Vegas, NV 89120-3517

7. *Injured Workers Pharmacy*
300 Federal Street
Andover, MA 01810

8. *Med Shop Total Care*
470 E Loop 281
Longview, TX 75605

9. *Novixus Pharmacy Services*
43159 W Nine Mile Road
Novi, MI 48376

10. *Ocean Breeze Healthcare*
235 Dongan Hills Avenue Suite 2B
Staten Island, NY 10305

11. *Restore Health Pharmacy LLC*
1289 Deming Way
Madison, WI 53717

12. *Safety Drugs*
20612 N Cave Creek Road #F150
Phoenix, AZ 85024

PHARMACIST IN CHARGE

New
Mark Webb, R.Ph.

New
James L McCarley Jr., R.Ph.

New
Tony Jones, R.Ph.

New
Robert Bellizzi, R.Ph.

New
Shannon Maguadog, R.Ph.

New
Timothy Brwon, R.Ph.

Change of Ownership
Roger A Scandura, R.Ph.

New
Jennifer Yoakum, R.Ph.

New
Richard Grossman, R.Ph.

New
Dominick Spada, R.Ph.

Change of Ownership
Judy Rapp, R.Ph.

New
Harvey Hill, R.Ph.

13. Serquinox LLC DBA Equinox Healthcare 3240 B Corporate Court Ellicott City, MD 21042	New Kalpesh Patel, R.Ph.
14. Stearns Veterinary Outlet Store Inc 222 E Country Road Melrose, MN 56352	New Jeffrey Sawyer, R.Ph.
15. Stokes Pharmacy 18000 Horizon Way Suite 700 Mount Laurel, NJ 08054	New Emmett McVey, R.Ph.
16. T.S. Rx Inc 2301 Caroline Street Unit A Houston, TX 77004	New Jeril Kurian, R.Ph.
<u>WHOLESALE/BROKER</u>	
1. Abbott Laboratories Inc DBA Bonded Laboratories 7320 Statesville Road Charlotte, NC 28269	New
2. Adolor Corporation 700 Pennsylvania Drive Exton, PA 19341	New
3. Akorn Inc 150 South Wyckles Road Decatur, IL 62522	New
4. AmerisourceBergen Drug Corporation 501 Patriot Parkway Roanoke, TX 76262	New
5. AmeriSure Pharmaceuticals LLC 10417 Armory Avenue Kensington, MD 20895	New
6. Aurobindo Pharma USA Inc 6 Wheeling Road Daytona, NJ 08810	New
7. Beaver-Visitec International Inc 411 Waverly Oaks Road Waltham, MA 02452	New
8. Citra Labs LLC 55 Messina Drive Braintree, MA 02184	New

<p>9. Dendreon Distribution DBA Dendreon 1700 Saturn Way Seal Beach, CA 90740</p>	New
<p>10. Dendreon Distribution DBA Dendreon 6715 Oakley Industrial Blvd Union City, GA 30291</p>	New
<p>11. Dixon Shane LLC DBA R & S Northeast LLC 8407 Austin Tracy Road Fountain Run, KY 42133</p>	New
<p>12. Exel Inc 810 S Wanamaker Avenue Ontario, CA 91761</p>	New
<p>13. Exel Inc 8631 Pock Lane Suite B Olive Branch, MS 38654</p>	New
<p>14. Exel Inc 4795 Coates Drive Fairburn, GA 30217</p>	New
<p>15. Exel Inc 6400 William Keck Bypass Mount Vernon, IN 47620</p>	Change of Ownership
<p>16. Exel Inc 98 Excellence Vonore, TN 32885</p>	Change of Ownership
<p>17. Exelan Pharmaceuticals Inc 2011 Commerce Drive 105 Peachtree City, GA 30269</p>	New
<p>18. eVenus Pharmaceutical Laboratories Inc 1 Duncan Drive Cranbury, NJ 08512-3629</p>	New
<p>19. Genco I Inc 1629 Willey Street Lebanon, PA 17046</p>	New
<p>20. Genzyme Corporation 11 Forbes Road Northborough, MA 01532</p>	Change of Ownership

21. Genzyme Corporation 500 Kendall Street Cambridge, MA 02142	Change of Ownership
22. Genzyme Corporation 1125 Pleasant View Terrace Ridgefield, NJ 07657	Change of Ownership
23. Genzyme Corporation 80 New York Avenue Framingham, MA 01701	Change of Ownership
24. Horizon Pharma USA Inc 1033 Skokie Blvd #355 Northbrook, IL 60062	New
25. Incyte Corporation Experimental Station Route 141 & Henry Clay Rd Bldg E336 Wilmington, DE 19880	New
26. Inspire Pharmaceuticals Inc 8081 Arco Corporation Suite 400 Raleigh, NC 27617	Change of Ownership
27. Kedrion Biopharma Inc 485 Massachusetts Avenue Suite 317 Cambridge, MA 02139	New
28. King Pharmaceuticals Inc 100 18 th Street Bristol, TN 37620	Change of Ownership
29. Life Science Logistics 1105 E Northfield Drive Suite 400 Brownsburg, IN 46112	New
30. Meda Pharmaceuticals Inc 745 Airport Road Lakewood, NJ 08701	New
31. Medical Action Industries Inc 25 Heywood Road Arden, NC 28704	New
32. Midlothian Laboratories 780 Industrial Park Blvd Unit C Montgomery, AL 36117	Change of Ownership
33. Midwest Medical Supply Company LLC 2229 East Magnolia Street	New

Phoenix, AZ 85034

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|---|---------------------|
| 34. Minnesota Independent Cooperative Inc
2980 Commers Drive Suite 200
Eagan, MI 55121 | New |
| 35. Mist Pharmaceuticals LLC
11 Commerce Drive 1 st
Cranford, NJ 07016 | New |
| 36. New American Therapeutics Inc
4 Becker Farm Road 1 st Floor
Roseland, NJ 07068 | Change of Ownership |
| 37. Noramco Inc
500 Swedes Landing Road
Wilmington, DE 19801 | New |
| 38. NuLife Pharmaceuticals Inc
13026 Saticoy Street Unit #4
North Hollywood, CA 91605 | New |
| 39. Onset Dermatologics LLC
400 Highland Corporate Drive
Cumberland, RI 02864 | Change of Ownership |
| 40. Paddock Laboratories LLC
5175 Winnetka Avenue North
New Hope, MN 55428 | New |
| 41. Paddock Laboratories LLC
3940 Quebec Avenue
Minneapolis, MN 55427 | New |
| 42. Prometheus Laboratories Inc
9410 Carroll Park Drive
San Diego, CA 92121 | Change of Ownership |
| 43. Shamrock Medical Solutions Group LLC
741 Radio Drive
Lewis Center, OH 43035 | New |
| 44. Synerx Pharmacy LLC
100 North State Street
Newtown, PA 18940 | New |
| 45. True Science Holdings LLC
771 Fentress Blvd Suite 1F
Daytona Beach, FL 32114 | New |

46. *Valeant Pharmaceuticals North America LLC* *New*
700 Route 202/206 North
Bridgewater, NJ 08807

47. *XOMA (US) LLC* *New*
2910 Seventh Street
Berkeley, CA 94710

b) Pharmacist Clinicians

Motion: Recommendations and PhC certification approved for Kimberly Neff and Ryan McCallum. Motion made by Mr. mazzoni, seconded by Mr. Anderson, board voted unanimously to pass motion.

Motion: Recommendations, prescriptive authority and PhC certification approved for Randy Durr. Motion made by Mr. Mazzoni, seconded by Mr. Anderson, board voted unanimously to pass motion.

Motion: Recommendations and renewal and protocols approved for Cheryl Burlett, Ernest Dole and Frances Aragon. Motion made by Mr. Mazzoni, seconded by Mr. Anderson, board voted unanimously to pass motion.

6. MTP Report:

Motion made by Ms. Saavedra-Shean, seconded by Mr. Mazzoni to go into closed session to discuss the MTP report, Mr. Nunley, Mr. Anderson, Ms. Mendez-Harper, Mr. Mazzoni, and Ms. Buesing voted unanimously to pass the motion.

The board went back into open session and the only issue discussed was the MTP report.

7. Committee Reports:

Tele-Pharmacy Committee: No report at this time

Pharmacist CE Committee: No report at this time. Mr. Anderson gave a brief update on the CPE pilot program

Pharmacist Practice Committee: No report at this time

Emergency Preparedness Committee: Mr. Harvey discussed the declarations regarding the fires in New Mexico

Pharmacist Clinician Committee: No report at this time.

Board of Pharmacy/Chiropractor Formulary Committee: Letter to Board of Chiropractic Examiners from the Board's Committee concerning the proposed rule.

Mr. Harvey stated that the NMBOP was not presented this formulary before their proposed rule hearing on 8/30/11 and the Chairman suggested that the board table until tomorrow and determine if the rule was adopted. The board asked if the Medical board has been presented with the formulary for approval.

Mary Smith, the Assistant Attorney General suggested that the NMBOP challenge the adoption of the formulary within 30 days from the rule hearing if approved.

Board of Pharmacy/BAOM Education Committee - Request from BAOM:

Mr. Anderson stated that the committee will address the boards' requirements of **initial training** regarding the non-injectable bioidentical hormones course and the additional hours of live, experiential training and ongoing CE for all the modules regarding expanded practice prescriptive authority when they meet with the BAOM.

The board approved of the 14 hour CE requirement of BAOM's rule 16.2.99 NMAC and stated that the NMBOP would work with BAOM to determine an appropriate number of additional CE hours and specify how many hours for each module.

Bio Identical Hormone Module approved and passed by the BAOM August 24,2011

16.2.18.20 BIOIDENTICAL HORMONE THERAPY EDUCATIONAL COURSE APPROVAL: The board shall have final authority for approval of a bioidentical hormone 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 (Part 10 of the rules).
 - C. Documentation that it will comply with all educational course approval general requirements defined in section 8 of 16.2.18 (Part 18 of the rules).
 - D. Documentation demonstrating that it will provide the educational course general curriculum defined in section 10 of 16.2.18 NMAC (Part 18 of the rules).
 - E. Documentation demonstrating that it will provide the bioidentical hormone therapy educational course hours defined in section 21 of 16.2.18 NMAC (Part 18 of the rules).
 - F. Documentation demonstrating that it will provide the bioidentical hormone therapy educational course curriculum defined in section 22 of 16.2.18 NMAC (Part 18 of the rules).
- [16.2.18.20 NMAC - N, XX-XX-XX]

16.2.18.21 BIOIDENTICAL HORMONE THERAPY EDUCATIONAL COURSE HOURS: The bioidentical hormone educational course shall consist of a minimum total of eighty (80) hours of education, with at least 25 hours of practical experience in B,E and F in the areas listed below.

- A. A minimum of eight (8) hours in the pharmacology of bioidentical hormones.
- B. A minimum of sixteen (16) hours in the theory and practice of endocrinology including the physiology of the HypothalamicPituitaryAdrenalThyroid (HPAT) and gonadal axis, the stress response and normal adrenal and thyroid function. At least half of these hours shall be in clinical practice or review of case studies.
- C. A minimum of sixteen (16) hours in blood chemistry analysis.
- D. A minimum of four (4) hours in urine analysis.
- E. A minimum of sixteen (16) hours in the assessment and treatment of hormone and neurotransmitter imbalances through blood, urine and saliva hormone testing and evaluation. Appropriate treatment options for the biomedical differential diagnoses including, but not limited to; Adrenal Fatigue, Thyroid Imbalances, Andropause, Menopausal Syndrome, and other Male and Female Hormone imbalances. At least half of these hours shall be in clinical practice or case study review.
- F. A minimum of eighteen (18) hours in the theory and practice of endocrinology including assessment and treatment of men's hormone health and assessment and treatment of women's health during menopause using Bioidentical Hormone Replacement Therapy, BHRT. At least half of these hours shall be in clinical practice or case study review.
- G. A minimum of one (1) hour in pharmaceutical law as provided by the New Mexico board of pharmacy.
- H. A minimum of one (1) hour in oriental medicine scope of practice relative to the prescription or administration of the authorized substances.

[16.2.18.21 NMAC - N, XX-XX-XX]

16.2.18.22 BIOIDENTICAL HORMONE THERAPY EDUCATIONAL COURSE CURRICULUM: The bioidentical hormone therapy educational course curriculum shall provide the doctor of oriental medicine, who successfully completes the course, with the foundation to prescribe those substances authorized in Part 16.2.20 adopted into Rule October 29, 2010, the general curriculum knowledge and skills defined in section 10 of 16.2.18 NMAC (Part 18 of the rules) and the following specific knowledge and skills.

A. Bioidentical hormone therapy:

- (1) Knowledge of anatomy, physiology, endocrinology, pathology, biochemistry, pharmacology, diagnostic and referral options including imaging, and clinical strategies with a focus on hormone pathways, neurotransmitter imbalances, precursors and intermediaries relevant to bioidentical hormone therapy; and

(2) Knowledge of how to perform a diagnosis of the various aspects of the endocrine and neurotransmitter system using blood, urine, and saliva testing; and

(3) Knowledge of the application, clinical use, dosage, dosage adjustment or discontinuation consequences and safety concerns relevant to all modes of administration of the authorized substances; and

(4) Knowledge of how to explain to the patient the purpose, expected outcome, risks and possible complications of bioidentical hormone therapy as well as the advantages of bioidentical hormone therapy, relative to non bioidentical hormone therapy.

B. Non-hormone therapy:

(1) Knowledge of how to optimize hormone balance using authorized substances that are not hormones or are hormone precursors, and the benefits and limits of such therapy; and

(2) Knowledge of how to explain to the patient the purpose, expected outcome, risks and possible complications of non-hormone therapy as well as the advantages of non-hormone therapy relative to bioidentical hormone therapy.

[16.2.18.22 NMAC - N, XX-XX-XX]

6.2.20.8 EXPANDED PRACTICE FORMULARIES GENERAL PROVISIONS: The following general provisions shall apply to the expanded practice general formulary and each specific formulary for each specific expanded practice category that follows in this rule:

A. drugs, dangerous drugs and controlled substances are defined in the New Mexico Drug, Device and Cosmetic Act and the New Mexico Controlled Substances Act;

B. all substances from threatened or endangered species, as determined by the convention on the international trade in endangered species of wild fauna and flora and the U.S. fish and wildlife service (<http://endangered.fws.gov/>), shall be automatically eliminated from expanded practice formularies;

C. definitions from the New Mexico Drug, Device and Cosmetic Act and the New Mexico Controlled Substances Act apply to the appropriate terms in the expanded practice formularies;

D. a doctor of oriental medicine shall comply with all federal and state laws that pertain to obtaining, possessing, prescribing, compounding, administering and dispensing any drug;

E. a substance shall only be approved for use if procured in compliance with all federal and state laws; the various expanded practice formularies do not supersede such laws; and

F. the following drugs, dangerous drugs and controlled substances are authorized in the modes of administration that are specified except as limited or restricted by federal or state law:

(1) **basic injection certification and prescriptive authority:** shall include topical vapocoolants the intradermal intramuscular, and subcutaneous injection of: homeopathic medicines; dextrose; enzymes except urokinase; hyaluronic acid; minerals; sarapin; sodium chloride; sterile water; and vitamins;

(2) **injection certification and prescriptive authority:**

(a) all substances from basic injection module; and

(b) all non-epidural, non intrathecal injection of: alcohol, amino acids, autologous blood and blood products, live cell products, ozone, bee venom, beta glucans, caffeine collagenase, dextrose, dimethyl sulfoxide, gammaglobulin, glucose, glucosamine, glycerin, hyaluronidase, methylsulfonylmethane, phenol, phosphatidylcholine, procaine, sodium hyaluronate, sodium morrhuate, therapeutic serum;

(3) **intravenous certification and prescriptive authority:** amino acids, calcium ethylenediaminetetraacetic acid, dextrose, glutathione, homeopathic medicines, lactated ringers, minerals, phosphatidylcholine, sodium bicarbonate sodium chloride, sodium morrhuate, sterile water, water soluble vitamins, autologous blood and blood products, live cell products, ozone, and ultraviolet radiation of blood with appropriate anticoagulant except that authority is not provided for total parenteral nutrition;

(4) **non-injectable bioidentical hormone certification and prescriptive authority:** 7-keto dehydroepiandrosterone (7 keto DHEA), cortisone, dehydroepiandrosterone (DHEA), dihydrotestosterone, estradiol (E2), estriol (E3), estrone (E1), hydrocortisone, pregnenolone, progesterone, testosterone, tetraiodothyronine (T4), levothyroxine, thyroxine (T4), & triiodothyronine (T3) combination, triiodothyronine, liothyronine (T3), desiccated thyroid;

G. applicable to any of the four certifications above: subcutaneous epinephrine, inhaled oxygen, and additives necessary to stabilize, preserve or balance pH of approved substances.

[16.2.20.8 NMAC - Rp/E, 16.2.20.8 NMAC, 06/15/2010; Re-pr & A, 11/28/10]

History of 16.2.20 NMAC:

History of Repealed Material:

16.2.20 NMAC, Expanded Practice Formulary (filed 10/29/2009) repealed 06/15/2010.

Other History:

16.2.20 NMAC, Expanded Practice Formulary (filed 10/29/2009) was replaced by 16.2.20 NMAC, Expanded Practice Formulary, effective 06/15/2010. This was an emergency filing that was necessary due to the courts reversing and setting aside the language effective on 11/28/2009. (ReFiled 10/29/2010)

16.2.9.9 CONTINUING EDUCATION FOR LICENSEES CERTIFIED FOR EXPANDED PRACTICE:

A. A doctor of oriental medicine certified for expanded practice in one or more areas as defined in 16.2.19 NMAC shall complete 14 hours of continuing education every two years in addition to any continuing education required for license renewal specified in 16.2.9.8 NMAC. The initial reporting period will begin August 1, 2009 and the 14 hours for recertification shall be completed prior to July 31, 2011 and each two years thereafter. License holders who are newly certified for expanded practice will be required to complete up to 14 hours of continuing education on a prorated basis during the first year(s) of recertification and then each two years thereafter.

B. The continuing education shall be about substances in the board approved appropriate expanded practice formulary or formularies defined in 16.2.20 NMAC or updated information in improving current techniques or new and advanced techniques that are part of the expanded practice certification as defined in 16.2.19 NMAC.

C. Continuing education courses, including teachers, shall be approved by the board:

(1) course providers requesting approval for Rx continuing education certification shall be required to submit the following materials to the board for approval no less than 45 days prior to the date of the course offering and the materials shall include:

(a) a \$ 50 application fee;

(b) course description, including objectives, subject matter, number of hours, date time and location; and

(c) curriculum vitae of the instructor(s) including previous teaching experience in subjects they are engaged to teach of at least five years;

(2) practitioners requesting approval for a specific course for their own personal continuing education shall submit a copy of the course brochure including a course description, subject matter, contact hours, and curriculum vitae of the instructor 45 days prior to the course offering;

(3) the continuing education committee shall meet each month on or before the 15th to review course materials; electronic review is acceptable;

(4) a doctor of oriental medicine certified for expanded practice in basic injection, injection or intravenous therapies must remain current in basic life support, BLS, and CPR with proof of having completed an American heart association approved course; a current copy of this card shall be submitted to the board at the time of each biennial expanded practice certification renewal.

D. Teaching an approved continuing education course shall be equivalent to taking the approved course. Continuing education that is appropriate for regularly licensed doctors of oriental medicine shall not be considered as fulfilling the above requirements for expanded practice continuing education. The board may determine specific mandatory courses that must be completed. Specific mandatory courses shall be noticed at least six months prior to the date of the course. Exceptions to being required to complete a specific mandatory course may be made for good cause.

[16.2.9.9 NMAC - N, 10-1-03; A, 02-15-05; A, 11-28-09]

Pharmacy Technician Committee: No report at this time.

Re-use of Prescription Drugs Committee: Proposed Regulation and Donor/Recipient

Mr. Harvey stated that he developed the rule language with the help of two interns.

Motion: Notice rule for hearing. Motion was made by Mr. Mazzoni, seconded by Ms. Mendez-Harper to notice 16.19.34 NMAC for the October 2011 board meeting.

8. 1:30 p.m. Stipulated or Settlement Agreements*/Surrenders*/Default Orders*/Disciplinary Hearings*

a. 2009-063 Default Hearing - Campos PT5665:

Motion: Revoke license and pay the investigative costs. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, voted unanimously to pass the motion.

b. 2010-043 Stipulated Agreement - Kelly Dillon RP789:

Motion: Accept the stipulated agreement. Motion made by Ms. Buesing, seconded by Mr. Mazzoni, board voted unanimously to pass the motion.

c. 2010-064 Default Hearing - Montoya PT5534:

Motion: Revoke license and pay investigative costs. Motion made by Mr. Mazzoni, seconded by Ms. Saavedra-Shean, board voted unanimously to pass the motion.

d. 2010-076 Default Hearing - Wright PT3309:

Motion: Revoke license and pay the costs of investigation. Motion made by Mr. Nunley, seconded by Ms. Saavedra-Shean, board voted unanimously to pass the motion.

e. 2011-005 Default Hearing - Leyba PT6991:

Motion: Revoke license and pay the costs of investigation. Motion made by Mr. Nunley, seconded by Ms. Saavedra-Shean, board voted unanimously to pass the motion.

f. 2011-026 Stipulated Agreement - Pesko RP6370:

Motion: Accept the stipulated agreement as presented. Motion made by Mr. Nunley, seconded by Mr. Mazzoni, board voted unanimously to pass the motion.

g. 2010-072 Settlement Agreement Walgreens #11960:

Motion #1: Accept the settlement agreement as presented. Motion made by Mr. Nunley, seconded by Ms. Saavedra-Shean, board voted unanimously to pass the motion.

Motion #2: Recind the NCA's for Adams, Liberace, Ralston, Andrade and Sill. Motion made by Ms. Saavedra, seconded by...*inaudible*.

h. 2010-065 Default Hearing - Marcus CD63 Request for Refund:

Motion: Revoke license and deny request for refund. Motion made by Ms. Saavedra-Shean, seconded by Mr. Nunley, board voted unanimously to pass the motion.

i. 2011-047 Voluntary Surrender - Moore PT5560:

Motion: Accept surrender and pay costs of investigation. Motion made by Mr. Mazzoni, seconded by Ms. Saavedra-Shean, board voted unanimously to pass the motion.

j. 2011-048 Voluntary Surrender - Hinojos PT5677:

Motion: Accept surrender and pay costs of investigation. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, board voted unanimously to pass the motion.

k. 2011-025 Voluntary Surrender - Rogers RP3465:

Motion: Accept surrender and pay costs of investigation. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, board voted unanimously to pass the motion.

9. Committee Reports continued (if necessary)

Board recessed at 4:10 p.m. until Tuesday August 30, 2011 at 9:00 a.m.

TUESDAY AUGUST 30, 2011

1. Call to Order: The meeting was called to order at 9:09 a.m. The Chairman took roll call, present were Mr. Anderson, Ms. Mendez-Harper, Mr. Nunley, Mr. Mazzoni, Ms. Buesing and Ms. Saavedra-Shean. Mr. Carrier was absent.

2. Public and Professional Requests/Waiver Petitions:

a. Dale Tinker, Executive Director NMPHA – Request to approve TB Training for Pharmacists:

Dale Tinker was present and provided documentation for a TB testing training program. The program will consist of 1 hour web based training and 4 hours of live training.

Motion: Approve the TB training program. Motion made by Mr. Mazzoni, seconded by Mr. Nunley, board voted unanimously to pass the motion.

b. Prime Therapeutics - Request for Waiver:

Prime Therapeutics respectfully requests a waiver of the portion of 16.19.6.10.H that requires the restricted area of the pharmacy be securely locked when a pharmacist is not on duty between August 2011 and December 2011 during our technology upgrade when the following conditions are met:

Ms. Mendez-Harper recused herself as a board member in order to present the documentation for the waiver.

Motion: Approve the waiver. Motion made by Mr. Mazzoni, seconded by Mr. Nunley, board voted unanimously to pass the motion.

c. Enrique Chacon, Pharmacist - Request to Reinstate Pharmacist's License Case No. 2009-006:

Mr. Chacon was present to ask the board to re-instate his pharmacist license. Mr. Chacon stated that he has complied with the Texas state board of pharmacy order and has complied with his probation but was not able to supply any documentation as such. He also stated that he was unable to find a job therefore unable to provide support for his two daughters. The board asked Mr. Chacon if he was current with his CE and he stated that he was not.

The Chairman asked that the board go into closed session to discuss the case.

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

The Chairman went back into open session and the only issue discussed was the Chacon case 2009-006.

Motion: Deny the request to re-instate the license for Enrique Chacon 2009-006. Motion made by Ms. Saavedra-Shean, seconded by Mr. Nunley, board voted unanimously to pass the motion.

d. Al Carter, Pharm. D Manager, Pharmacy Affairs, Walgreen Co. - Waiver Request:

Mr. Carter was present and provided documentation asking to waive 16.19.20.31(D) NMAC.

Motion: Approve the waiver for 16.19.20.31(D) NMAC for one year contingent upon inspectors review and comments and to organize a committee to develop language to amend rules if necessary based on review. Motion made by Mr. Mazzoni, seconded by Ms. Saavedra-Shean, board voted unanimously to pass the motion.

e. Colene West, CE & CE Organizer Coordinator - Therapeutic Research Center - Pharmacist's Letter, Pharmacy Technician's Letter - Request for Board Approval of Pharmacy Technician's University:

www.pharmacytechniciansuniversity.com

Mr. Harvey stated that he will send correspondence informing Ms. West that the board does not have jurisdiction to approve technician programs but does have the ability to approve an administrator or director of the program to sign off on the training record and application of a pharmacy technician when applying for licensure.

f. Kristina Wittstrom, MEd, RPh, BCNP, FAPhA, ANP Program Coordinator Radiopharmacy College of Pharmacy The University of New Mexico - Request for clarification/interpretation USP 797 :

Upon Ms. Kristina Wittstrom's presentation the board suggested organizing a Sterile Products committee to capture all areas of compliance for clarification and interpretation of 797 in regards to possible rule changes. Mr. Harvey also suggested

that a compliance guide be developed to address the need. Michel Disco stated that she wants representation from NMSHP within the committee. Ms. Wittstrom and Ms. Buesing will co-chair the committee and Inspector Larry Loring will be a member in the committee.

g. Michel Disco, Asst Dean for External Programs, Associate Clinical Professor Pharmacy Practice - PRN Discussion/Proposal, Proposed changes to 16.19.5 NMAC:

Michel Disco was present to discuss appointing a committee to re-establish the PRN and evaluate possible language for rule changes. Ray and Michel are the current members to start the committee.

Suggestions incorporating 150 hours working 10 weeks as a pharmacist outside of what they do during instruction time within the 1500 hour requirement for internship. Amend the language of 16.19.5 NMAC to represent current standards. Michel will present recommendations at the October 2011 meeting.

h. Frances Blair, R.Ph. - Request “It would be helpful for our Public Relations Program for our Board to require for registration and re-registrations that each pharmacist donate two hours to pharmaceutical care Health Fairs. Thank you for your consideration.”

Mr. Harvey stated that he would ask Ms. Francis to write a recruitment letter and put it on the board website. The board suggested that CPD and CE gained from the Health Fairs are useful for the profession and the participation of pharmacists.

The board stated that they would not support mandated community service.

i. Formulary request from Board of Dental Health Care:

Proposed formulary containing Flouride supplements was presented to the board for approval.

Here is the proposed formulary list for dental hygienists that I have compiled with all the information you provided. Please let me know if you approve or if I need to make any changes.
Robert Gherardi

The Proposed Dental Hygienist Formulary Consists of:

- 1) Flouride Supplements (using sodium fluoride)
 - a) Tablets – 0.5 mg, 1.1 mg, 2.2 mg
 - b) Lozenges – 2.21 mg
 - c) Drops – 1.1 mg/mL
- 2) Topical Anti-Caries Treatments (all using sodium fluoride unless otherwise stated)
 - a) Toothpastes – 1.1% or less (or stannous fluoride 0.4%)
 - b) Topical Gels – 1.1% or less (or stannous fluoride 0.4%)
 - c) Oral Rinses – 0.05%, 0.2%, 0.44%, 0.5%
 - d) Oral Rinse Concentrate (used in Periodontal Disease) – 0.63% stannous fluoride
 - e) Fluoride Varnish – 5 %
- 3) Prophy Pastes (containing approximately 1.23% sodium fluoride and used for cleaning and polishing procedures as part of professional dental prophylaxis treatment)
- 4) Topical Anti-Infectives/Anti-Bacterials

- a) Chlorhexidine Gluconate
 - i) Rinses – 0.12%
 - ii) Periodontal Chips (for insertion into the periodontal pocket) (e.g. the Periochip) – 2.5 mg chlorhexidine gluconate per chip
- b) Tetracycline Impregnated Fibers (inserted subgingivally into the periodontal sulcus) – each fiber containing 12.7 mg of tetracycline (e.g. Actisite)
- c) Doxycycline Hyclate Periodontal Gel (inserted subgingivally into the periodontal sulcus) – 50 mg in each 500 mg gel formulation (e.g. Atridox)
- d) Minocycline Hydrochloride Periodontal Paste (inserted subgingivally into the periodontal sulcus) – comprised of microspheres to equal a 1 mg dose of Minocycline HCl

Motion: Approve the formulary as presented. Motion made by Mr. Nunley, seconded by Mr. Mazzoni, board voted unanimously to pass motion.

3. General Board Discussion/Open Session/Goals for the next Year (May be discussed anytime during the two-day meeting):

The board wanted to note that Mr. Irby was not in attendance regarding Artesia General Hospital or any representative to present an updated status report concerning the expired waiver.

Mr. Harvey stated that due to the big issue of substance abuse he is considering appointing more agents and contacting the Secretary of Public Safety regarding enrolling State Police Officers to handle the increase of forgeries and forgery rings consisting of 30 to 40 people in these rings.

4. Executive Directors Report (May be heard at any time during the two day meeting)

The Chairman asked the board to go into closed session to discuss case presentations and personnel issues.

Motion: Go into closed session to discuss case presentations and personnel issues. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, Mr. Anderson, Ms. Mendez-Harper, Mr. Nunley, and Ms. Saavedra-Shean voted unanimously to pass the motion.

a. Case Presentations:

- Ben Kesner 2011-025/presented as voluntary surrender
- Ben Kesner 2011-031/NCA
- Ben Kesner 2011-042/Stipulated Agreement & NCA to deny if rejected
- Ben Kesner 2011-047/presented as voluntary surrender
- Ben Kesner 2011-048/presented as voluntary surrender

- Adela Padilla 2011-027/advisory letter
- Adela Padilla 2011-039/close
- Adela Padilla 2011-043/Settlement Agreement
- Adela Padilla 2011-046/close

- Larry Loring 2011-003/advisory letter
- Larry Loring 2011-030/close
- Larry Loring 2011-044/accept application

Larry Loring 2011-049/NCA to show cause
Larry Loring 2011-054/accept surrender present at October 2011 meeting

William Harvey 2011-018/did not present
William Harvey 2011-029/did not present
William Harvey 2011-032/did not present

Motion: Accept cases as presented. Motion made by Ms. Mendez-Harper, seconded by Ms. Buesing, board voted unanimously to pass motion.

b. Open Meetings Resolution Adoption: Mr. Harvey presented the Open Meeting Resolution for 2012.

Motion #1: Continue to use the Albuquerque Journal for notices regarding board related meetings. Motion made by Mr. Nunley, seconded by Mr. Mazzoni, board voted unanimously to pass the motion.

Motion #2: Adopt the Open Meetings Resolution. Motion made by Mr. Mazzoni, seconded by Ms. Buesing, board voted unanimously to pass the motion.

c. Board meeting dates 2012: Board suggested that we have a one-day only meeting in June 2012. The board agreed to the suggestion and indicated that the one-day meeting would proceed until done.

d. Review and approval of all licensee applications: The board reviewed all the applications and agreed that all was in order.

e. Hearing officer appointments: All board members have agreed to be serve as officers on a case by case basis.

f. FY 12 BAR request for upgrade to L-2000 - System Automation Overview FY 12 Budget Projections: Approve the L2000 upgrade contingent upon recalculation of any other boards using L2000.

g. FY 13 Budget: Flat budget for this fiscal year.

h. Disposition of vehicles and equipment:

Motion: Approve the disposition of vehicles and equipment. Motion made by Ms. Saavedra-Shean, seconded by Mr. Mazzoni, board voted unanimously to pass the motion.

i. Personnel Issues*:

The Chairman asked the board to go into closed session to discuss personnel issues.

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

The board went back into open session and the only issues discussed were personnel issues.

j. Emergency Dispensing Declaration: Mr. Harvey discussed the numerous fires that have occurred in the State of New Mexico and the emergency protocols that were established and how the declarations were conveyed immediately on our website and sent out via e-alerts.

k. Ghaffari Appeal*: Linda Ghaffari filed an appeal of the NMBOP final Decision and Order. FYI

l. HM 77 Task Force: Addresses substance abuse and require practitioners and/or ER doctors to access real time PMP reports to verify prescriptions and patient use.

Mr. Harvey stated that in the future it may serve as a valuable tool for pharmacists to access the PMP to verify controlled substance prescriptions of first time patients that they have never filled for.

Mr. Loring stated that the task force will be reporting to the legislature in November 2011 and will be addressing the treatment guidelines of abuse of chronic opioids and the training and education component of practitioners prescribing long acting opioids. The DEA is currently working on developing the training. The task force will also address getting every health care board that has practitioners prescribing controlled substances to use the PMP to report on new patients and if not the legislature will be asked to pass a law to require the use of the PMP.

m. PMP status: NMMRA funding: Discussed under budget 2013

n. Proposed additions to Schedule I: NMAC 16.19.20: Mr. Harvey discussed the numerous synthetic cannabinoids and bath salts that are in New Mexico and reported as being abused. The board agreed to the substance additions to 16.19.20 NMAC.

Motion: Approve addition of these substances to 16.19.20 NMAC to be noticed at the October 2011 board meeting. Motion made by Mr. Mazzoni, seconded by Ms. Mendez-Harper, board voted unanimously to pass the motion.

o. Letter from NMMB concerning compounded Avastin: The board tabled the issue until the October 2011 board meeting. Mary Smith suggested that the NMBOP and the Medical Board resolve the issue by talking together at the October 2011 board meeting.

Motion: Table the issue until October 2011 and ask the Medical Board to attend the meeting to resolve this issue. Motion was made by Ms. Saavedra-Shean, seconded by Ms. Mendez-Harper, board voted unanimously to pass the motion.

p. Letter from NMMB to the Board of Chiropractic Examiners: Discussed previously on 8/29/11.

q. Re-notice 16.19.22 NMAC: The notice was not referenced on the agenda therefore it will be re-noticed at the October 2011 board meeting.

Motion: Re-notice 16.19.22 NMAC at the October 2011 board meeting. Motion made by Mr. Mazzoni, seconded by Mr. Nunley, board voted unanimously to pass the motion.

5. Election of Officers: The board voted and elected office for the board.

Motion: Elect Mr. Mazzoni as the board Chairman. Motion made by Mr. Nunley, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Elect Ms. Buesing as the Vice-Chairman. Motion made by Mr. Mazzoni, seconded by Mr. Nunley, board voted unanimously to pass the motion.

Motion: Elect Ms. Mendez-Harper as the board Secretary. Motion made by Ms. Saavedra-Shean, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Adjourn the board meeting. A motion was made by Mr. Mazzoni, seconded by Mr. Nunley to adjourn the meeting, board voted unanimously to pass the motion.

Meeting was adjourned at 2:01 p.m.