



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

5200 Oakland Avenue, NE ▪ Suite A ▪ Albuquerque, New Mexico 87113
(505) 222-9830 ▪ Fax (505) 222-9845 ▪ (800) 565-9102

www.rld.state.nm.us/boards/Pharmacy.aspx

August 26th and 27th, 2013 Draft 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 Richard Mazzoni, R.Ph., at 9:20 a.m.

MEMBERS PRESENT: Richard Mazzoni R.Ph., Chairman
Amy Buesing R.Ph., Member (telephonic)
LuGina Mendez-Harper R.Ph., Member
Danny Cross, R.Ph., Member
Buffie Saavedra, Member
Chris Woodul, R.Ph., Member

MEMBERS ABSENT Allen Carrier, Public Member
Anise Yarbrough, Member

STAFF ATTENDING: Larry Loring, Executive Director
Debra Wilhite, Administrative Secretary
Cynthia McCormick, Financial Administrator
Mary Smith, Assistant Attorney General

MONDAY AUGUST 26, 2013

1. 9:20 a.m. Call to Order

2. Roll Call:

Chairman Mazzoni took roll call, present were Mr. Cross, Ms. Mendez-Harper, Ms. Saavedra, Mr. Woodul, Ms. Buesing and Chairman Mazzoni. Board members absent were Ms. Yarbrough and Mr. Carrier. Mr. Anderson will be delayed. Board staff present was, Ms. Wilhite, Ms. McCormick and board counsel, Mary Smith.

Mr. Anderson was in attendance at 9:54 a.m.

3. Approval of the Agenda:

The agenda was approved as presented.

Motion: Motion was made by Mr. Cross, seconded by Ms. Mendez-Harper to approve the agenda as presented, board voted unanimously to pass the motion.

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August 26th & 27th, 2013 Board Meeting

4. Approval of June 2013 Minutes:

The board approved the June 2013 minutes as presented.

Motion: Approve the June 2013 minutes as presented. Motion made by Mr. Cross, seconded by Ms. Saavedra, board voted unanimously to pass motion.

5. Applications:

a) Application List:

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

Motion: 12 Clinic/Home Health applications all are in order. Motion made by Ms. Mendez-Harper, seconded by Mr. Anderson to approve applications, board voted unanimously to pass motion.

Motion: 1 Animal Control application is in order. Motion made by Ms. Mendez-Harper, seconded by Ms. Saavedra to approve the application, board voted unanimously to pass the motion.

Motion: 10 Custodial/Nursing Home applications all are in order. Motion made by Ms. Mendez-Harper, seconded by Ms. Saavedra to approve applications, board voted unanimously to pass motion.

Motion: 7 Pharmacy/Hospital applications all are in order. Motion made by Ms. Harper-Mendez, seconded by Mr. Anderson to approve applications, board voted unanimously to pass motion.

Motion: 24 Non-Resident Pharmacy applications all are in order. Motion made by Ms. Harper-Mendez, seconded by Mr. Cross to approve applications, board voted unanimously to pass motion.

Motion: 20 Wholesale/Broker applications all are in order. Motion made by Ms. Harper-Mendez, seconded by Mr. Anderson to approve applications, board voted unanimously to pass motion.

*NEW MEXICO BOARD OF PHARMACY
REGULAR MEETING
APPLICATION LIST
August 26 & 27, 2013*

CLINIC /HOME HEALTH

*1 ABQ Health Partners Journal Center Endocrinology
5150 Journal Center Blvd
Albuquerque, NM*

*2 ABQ Health Partners Don Chalmers On-site
3777 The American Road
Albuquerque, NM 87114*

CONSULTANTPHARMACIST

*New
Gary Gijbsbers, R.Ph.*

*New
Gary Gijbsbers, R.Ph.*

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3 Ben Archer Health Center 1998 Motel Blvd Las Cruces, NM 88007	New Dale Menges, R.Ph.
4 De Baca Family DBA Guadalupe Family Dental 552 US Highway 54 Santa Rosa, NM 88435	New Terry Addison, R.Ph.
5 First Nations Community HealthSource-Truman Health 625 Truman Street NE Albuquerque, NM 87110	New Larry Georgopoulos, R.Ph.
6 La Frontera Center Inc 100 W Griggs Las Cruces, NM 88001	Change of Ownership Raymond Rede, R.Ph.
7 Mountain View Urgent Care 1455 S Valley Drive Suite A Las Cruces, NM 88005	New Beth Carson, R.Ph.
8 Pecos Valley Medical Center 199 Hwy 50 Pecos, NM 87552	Relocation Mary Sjoberg, R.Ph.
9 Socorro General Medical Group 1202 D Highway 60 West Socorro, NM 87801	Relocation Paula Jackson, R.Ph.
10 Truman Street Health Services 801 Encino Place Albuquerque, NM 87102	Relocation Charles Vandiver, R.Ph.
11 UNM Medical Group Truman Street Health Services 801 Encino Place Albuquerque, NM 87102	Relocation Charlie Vandiver, R.Ph.
12 UNM School Based Clinic Albuquerque High 800 Odelia NE Albuquerque, NM 87102	New Michel Disco, R.Ph.
<u>ANIMAL CONTROL</u> Lovelace Respiratory Research Institute Building 9217 Area Y Kirtland AFB, NM 87115	<u>CONSULTANT PHARMACIST</u> New Bill Weast, R.Ph.
<u>CUSTODIAL/NURSING HOME</u> 1 Advantage Communication 6305 Santa Domingo Albuquerque, NM 87120	<u>CONSULTANT PHARMACIST</u> New Ron Lujan, R.Ph.
2 Cross Roads 5000 W Church Carlsbad, NM 88220	New Clover Wagner, R.Ph.
3 Expressions of Life	New

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215 Rosedale Circle
Belen, NM 87002

Wilfred Chaves, R.Ph.

4 Good Life Senior Living
800 Juan Andres Lane
Los Lunas, NM 87031

New
Clover Wagner, R.Ph.

5 Great Livin LLC
10524 Pisa Drive NW
Albuquerque, NM 87111

New
Perry Storey, R.Ph.

6 La Frontera New Mexico
100 W Griggs
Las Cruces, NM 88001

Change of Ownership
Raymond Rede, R.Ph.

7 Los Lunas Community
846 Ladron
Los Lunas, NM 87031

New
Wilfred Chavez, R.Ph.

8 Tercer Cielo LLC
4409 Glenwood Hills NE
Albuquerque, NM 87111

New
Bill Weast, R.Ph.

9 Villa de Esperanza
611 W Stevens
Carlsbad, NM 88220

New
Clover Wagner, R.Ph.

10 Vista Taos Renewal Center
MedMark Vista Taos
259 Blueberry Hill Road
Taos, NM 87571

New
Paul Blackburn, R.Ph.

PHARMACY/HOSPITAL
1 Albertson's Sav-On #937
10131 Coors Blvd NW
Albuquerque, NM 87114

PHARMACIST IN CHARGE
Remodel
Kim Murphy, R.Ph.

2 ASAP
2450 Alamo Drive SE
Albuquerque, NM 87106

New
Gene Montoya, R.Ph.

3 ESI Mail Pharmacy Service Inc
DBA Express Scripts
4500 Alexander Blvd NE
Albuquerque, NM 87107

Remodel
Henna Griego, R.Ph.

4 First Nations Community HealthSource-Truman Health
625 Truman Street NE
Albuquerque, NM 87110

New
Larry Georgopoulos, R.Ph.

5 Guadalupe County Hospital
DBA Route 66 Pharmacy
117 Camino de Vida Suite 200
Santa Rosa, NM 88435

Change of Ownership
John Fitzgerald, R.Ph.

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6 UNM Sandoval Regional Medical Center
3001 Broadmoor Blvd NE
Rio Rancho, NM 87144

Remodel
Edward Cole, R.Ph.

7 Vida Pharmacy
8500 Jefferson Blvd NE #D
Albuquerque, NM 87113

Remodel
Annabel Roberts, R.Ph.

NON-RESIDENT PHARMACY

1 AbbVie Endocrinology Inc
DBA Pharmacy Solutions
1 North Waukegan Road
North Chicago, IL 60064

PHARMACIST IN CHARGE

Change of Ownership
Charles Sommercorn, R.Ph.

2 American Homecare Federation Inc
31 Moody Road
Enfield, CT 06083-3101

New
Jeffrey Lagasse, R.Ph.

3 America's Compounding Center
153 California Street
Newton, MA 02458

New
Behrouz Rostamzhad, R.Ph.

4 Denton Prescription Shop
2501 W Oak Street Suite 100
Denton, TX 76201

New
Lawrence Tom, R.Ph.

5 Eldon Drug
101 S Maple Street
Eldon, MS 65026

New
Dennis Bond, R.Ph.

6 Entirely Pets Pharmacy LLC
34571 Seventh Street
Union City, CA 94587

New
Rashmi Shingari, R.Ph.

7 FPR Specialty Pharmacy LLC
7910 C Rae Blvd
Victor, NY 14564

New
Christopher Casey, R.Ph.

8 Goot Nursing Home Pharmacy Inc
8826 N 23rd Avenue Suite C-2
Phoenix, AZ 85021-4154

New
Chad McMinn, R.Ph.

9 Hopkinton Drug Inc
52 Main Street
Hopkinton, MA 01748

New
Dennis Katz, R.Ph.

10 Magnolia Specialty Pharmacy Inc
208 S 27th Avenue Suite 4
Hattiesburg, MS 39401

New
Todd Lee, R.Ph.

11 Medcart Specialty Pharmacy
32131 Industrial Road
Livonia, MI 48150

New
Iyyad Abueida, R.Ph.

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12 Mission Road Pharmacy 1155 N Mission Road Los Angeles, CA 90033	New Tu C Nguyen, R.Ph.
13 Mizner Pharmacy Inc 104 NE 2 nd Street Boca Raton, FL 33432	New Angela Mann, R.Ph.
14 Northern Rx LLC 2012 E Northwest Highway Arlington Heights, IL 60004	New Kenneth Smith, R.Ph.
15 OK Compounding 102 N Broadway Skiatook, OK 74070	New Stacie Miller, R.Ph.
16 PharmBlue LLC 40 Pennwood Place Suite 300 Warrendale, PA 15086	New Hilary Szczypiorski, R.Ph.
17 PPM Pharmacy 3300 NW 56 th Suite 101 Oklahoma City, OK 73112	New R. Allen Martin, R.Ph.
18 Prime Aid Pharmacy Inc 3915 Bergenline Avenue Union City, NJ 07087	New Hyum Yu, R.Ph.
19 Reliance Specialty Infusion 2920 E Mohawk Lane Suite 114 Phoenix, AZ 85050	New Jeremy Short, R.Ph.
20 Select RX LLC 4345 Southpoint Blvd Warminster, PA 18974	New Eric Borell, R.Ph.
21 Total Care Medical DBA Topical Rx Pharmacy 2565 Capital Medical Blvd Tallahassee, FL 32308	New Wilburn Davis, R.Ph.
22 Transition Pharmacy 4 Neshaminy Interplex Drive Suite 111 Trevose, PA 19053	New Michelle Giovannucci, R.Ph.
23 University of Colorado Hospital Atrium Pharmacy 12605 E 16 th Avenue Room 1054 MSA027 Aurora, CO 80045	New Andrew Davis, R.Ph.
24 Valley Campus Pharmacy Inc 15211 Van Owen Street Suite 301 Van Nuys, CA 91405	New Hagop Simityan, R.Ph.

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WHOLESALE/BROKER

1 A-S Medication Solutions LLC 2401 Commerce Drive Libertyville, IL 60048	Change of Ownership
2 Ajanta Pharma USA Inc 600 First Avenue Suite 2 Raritan, NJ 08869	New
3 Antares Pharma Inc 100 Princeton South Suite 300 Ewing, NJ 08628	New
4 Banner Pharmacaps Inc 4125 Premier Drive High Point, NC 27265	Change of Ownership
5 Boca Pharmacal Inc 3550 NW 126 Avenue Coral Springs, FL 33065	New
6 Central Admixture Pharmacy Services Inc 6580 Snowdrift Road #100 Allentown, PA 18106	New
7 DUSA Pharmaceuticals Inc 25 Upton Drive Wilmington, MA 01887	Change of Ownership
8 Elite Pharma Inc 820 Mililani Street #703 Honolulu, HI 96813	New
9 EPIC Fulfillment Inc 8835 W 116 th Avenue Suite F Broomfield, CO 80021-2750	New
10 Ferring Pharmaceuticals Inc 4 Gate Hall Drive 3 rd Floor Parsippany, NJ 07054	New
11 Freedom Pharmaceuticals Inc 801 W New Orleans Street Broken Arrow, OK 74011	Change of Ownership
12 MXR-SourceOne 815 S Great SW Parkway Grand Prairie, TX 75051	New
13 MXR-SourceOne 1441 West Bayaud Unit 2-A Denver, CO 80223	New

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<i>14 Noramco Inc 1440 Olympic Drive Athens, GA 30601</i>	<i>New</i>
<i>15 PAR Pharmaceuticals 30 Dunnigan Drive Montebello, NY 10901</i>	<i>Change of Ownership</i>
<i>16 Pharma Network LLC 180 Summit Avenue Suite 200 Montvale, NJ 07645</i>	<i>New</i>
<i>17 Recordati Rare Diseases Inc 100 Corporate Drive Lebanon, NJ 08833</i>	<i>New</i>
<i>18 SmartHealth Distribution Company 3145 E McDowell Road Phoenix, AZ 85008</i>	<i>New</i>
<i>19 UPS Supply Chain Solutions Inc 2515 S Tricenter Blvd Durham, NC 27713</i>	<i>New</i>
<i>20 Zypus Pharmaceuticals USA Inc 731 Route 31 N Pennington, NJ 08534</i>	<i>New</i>

b) Pharmacist Clinicians:

Motion: Recommendations and PhC certification approved for Teresa Castellano with the board following up at the October 2013 board meeting, motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Recommendations and PhC certification approved for Cesar Gonzalez, Tanya Gonzales, Summer Schroeder and Jason Demetrius Harris, motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Renewal and protocols approved for Paulina Deming, Ernie Dole and James Nawarskas, motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Recommendations and prescriptive authority with anticoagulation scope of practice and no controlled substances, approved for Teresa Castellano, Cesar Gonzales, Tanya Gonzales and Summer Schroeder, motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Recommendations and prescriptive authority, no controlled substances approved for Jessica Conklin, Paulina Deming, James Nawarskas and Jason Demetrius Harris, motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, board voted unanimously to pass the motion.

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Motion: Recommendations and prescriptive authority approved for Ernie Dole, motion made by Ms. Mendez-Harper, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Motion: Amend Ms. Jessica Conklin to include approved renewal and protocols, motion made by Ms. Mendez-Harper, seconded by Ms. Buesing, board voted unanimously to pass the motion.

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

6. 9:30 a.m. Giny Herold CA BOP – “virtual wholesaler/grey market drugs”:

Ms. Giny Herold from the California State Board of Pharmacy gave her power point presentation telephonically. Issues regarding numerous virtual wholesalers and pharmacies and the illegal practices of storage, shipping, misbranding and counterfeiting of grey market drugs throughout the Unites States was addressed. Ms. Herold stated that protection of the public is the highest priority for the California State Board and whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

7. FYI, was not on agenda and no action was taken: Mr. Peter Elman gave his power point presentation telephonically, regarding open source pharmaceuticals.

8. Public and Professional Requests/Waiver Petitions*:

a. Michel Disco UNM COP – changes to 16.19.5 Intern Training Program:

Ms. Michele Disco was present to discuss proposed language regarding intern training as follows:

1. 16.19.5.7 F – Training Period

a. Eliminate the 1500 internship hours for BS degree – it is no longer offered in the US

b. Change 2150 internship hours to 1500 hours for PharmD

ACPE requires students to participate in experiences in both community and hospital pharmacies for Introductory and Advanced Pharmacy Practice Experiences (2 months – 160 hours - of each)
Many states only require the 1500 hours total

UNM College of Pharmacy requires a minimum of 1760 “extern” hours to complete program
Students not have to work extra to make up the 650 hours – in addition to the academic hours

c. Registration requirements for completion of hours in a college of pharmacy change from 30 hours to 15

Student pharmacists learn to apply more of the pharmacy practice knowledge if starting in practice earlier in education

(If changed, students will receive training in the pharmaceutical care labs for basic prescription dispensing, patient counseling and pharmacy law in the first semester to be prepared to work in a pharmacy earlier)

Many colleges issue intern licenses upon starting pharmacy school

2. 16.19.5.7 G – Structured Internship Experience

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Changed wording to match above

- 3. 16.19.5.8 Summary of Objectives
 - C.1.C. – internet resources
 - E.1 – 15 hours to match above

Motion: Notice the proposed language as presented in 16.19.5 NMAC at the October 2013 board meeting. Motion made by Ms. Saavedra, seconded by Mr. Cross, board voted unanimously to pass the motion.

b. Dale Tinker NMPA – pharmacist’s prescriptive authority for naloxone:

Mr. Dale Tinker and Amy Bachyrycz were present to discuss pharmacists’ prescriptive authority and training for naloxone as follows:

Pharmacist Prescriptive Authority of Naloxone Protocol: Justification and Support

Pharmacists can play a vital role in the prevention and treatment of opioid overdose by providing prevention education paired with the prescription of Naloxone Hydrochloride to patients at-risk for unintentional overdose from prescription opioids. Naloxone is an opioid antagonist which counters the effects of an opioid by blocking opioid receptors in the brain and reversing respiratory depression which can lead to overdose and death. The Pharmacist Prescriptive Authority of Naloxone Protocol would allow pharmacists to prescribe naloxone to patients presenting with prescriptions for long-term and/or high-dose opioids. This protocol is similar to others allowed under 16.19.26 NMAC, Pharmacist Prescriptive Authority Act, which allows pharmacists to prescribe specific drugs per written protocol and with required education and training approved by the New Mexico Board of Pharmacy

Summary of Justification and Support for Pharmacist Prescriptive Authority of Naloxone Protocol:

- New Mexico has a public health crisis related to prescription opioid overdose deaths.
- New Mexico has a Pharmacist Prescriptive Authority Act which allows the Board of Pharmacy to enact a protocol allowing pharmacists to prescribe Naloxone to patients presenting with prescriptions for long-term and/or high-dose opioids.
- Naloxone is a safe and studied antidote to opioid overdose, with a proven track record in New Mexico.

Project ECHO has the expertise and capability to provide training and education for pharmacists as required by this protocol to permit them to provide naloxone to opioid users at high risk for overdose.

PHARMACIST PRESCRIPTIVE AUTHORITY FOR NALOXONE

B. Purpose:

This is the protocol by which the Pharmacist will educate, prescribe, and dispense naloxone in order to prevent and/or decrease opioid drug overdose deaths for patients in New Mexico. This tool is intended to ensure safety, efficacy, and provision to meet the needs of the public welfare by decreasing death due to drug overdose.

E. Guidelines:

A guide for prescribing and dispensing of naloxone in a pharmacy will occur as stated below.

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a. Pharmacist Education/Training

1. Participating Pharmacists will successfully complete a certification prescriptive authority training approved by the Board of Pharmacy and maintain this certification with the Board of Pharmacy by completing 2 hours of live continuing education in this area every two years.
2. A primary option of naloxone administration may include the following contents (the pharmacy will be responsible for the assembly of the desired delivery system):
 - i. Naloxone 2mg/2ml prefilled syringes
 - ii. Intranasal trumpet device
 - iii. Educational handout
3. Other FDA approved products may be used.

b. Consent/Screening/Prescriber Notification

1. Patient is screened and evaluated by the Pharmacist for the risk of overdose.
2. Patient consent form must be completed and signed before the prescribing and dispensing of naloxone.
3. Notify the patient's primary care provider with the consent of the patient within 15 days of the original prescription.

Motion: Approve the prescriptive authority of pharmacists for naloxone. Motion made by Mr. Cross, seconded by Ms. Mendez-Harper, board voted unanimously to pass the motion.

Motion: Approve the training of pharmacists for naloxone. Motion made by Mr. Cross, seconded by Mr. Woodul, board voted unanimously to pass the motion.

c. Winona Stoltzfus, MD - Health Systems Bureau Medical Director – Asthma in school children and access to emergency medications:

Ms. Winona Stoltzfus and Ms. Lisa Petch were present to ask the board to consider proposed language regarding licensing specific to schools to provide and administer medications to students with asthma and food allergies. This request is based on a survey of school nurses in New Mexico to determine availability of emergency medications for students with food allergies and asthma and how often these medications were being used. The results posed concerns regarding limitations and access to these medications that present safety issues for students. Many of these students do not have prescribed medications or parents prefer to keep them at home because of the cost of providing multiple doses.

Mr. Loring and Mr. Cross stated that further discussion on proposed language regarding a "Class D' clinic will be presented at the October 2013 board meeting.

d. Daniel Hall – request for reinstatement of pharmacist license (2013-004):

The board members addressed Mr. Daniel Hall's request for reinstatement. Mr. Hall stated that he has enrolled into the Monitored Treatment Program, is attending counseling sessions apart from the MTP and is progressing well and staying compliant. Numerous issues regarding his use of drugs while an intern in pharmacy school, DWI charges that were referenced as dismissed, medical diagnosis for use of suboxone and drug screening for baclofen were discussed.

The board stated that Mr. Hall would be contacted regarding the outcome of his request.

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Motion made Ms. Mendez-Harper, seconded by Ms. Saavedra, to go into closed session at 1:40 p.m. to discuss Mr. Daniel Hall's request, Mr. Cross, Mr. Woodul, Ms. Buesing and Mr. Anderson voted unanimously to pass the motion.

The board went back into open session and the only issue discussed was Mr. Daniel Hall's request.

Motion made by Ms. Mendez-Harper, seconded by Mr. Cross to deny Mr. Daniel Hall's request for reinstatement at this time, Ms. Saavedra, Mr. Woodul, Ms. Buesing and Mr. Mazzoni voted unanimously to pass the motion. Mr. Anderson recused himself from the vote.

9. Committee Reports and Board Actions:

Board of Pharmacy/Chiropractic Formulary Committee: Proposed Drug Formulary: The board received the Appeal and Opinions from the Appeals Court. Board counsel, Mary Smith stated that the next step will be to present a formulary to the NMBOP. The board will activate the Chiropractic committee and work with the NM Medical board in order to achieve this next step.

Not on agenda - FYI: Kelly Kemper has not filed an appeal and is past the 30 day time period to file an appeal.

Not on the agenda – FYI: James Glass requested expungement of records which applies to criminal cases, not administrative actions taken by the board.

TUESDAY AUGUST 27, 2013

1. 9:06 a.m. Call to Order/Roll Call:

Present were Mr. Cross, Ms. Saavedra, Mr. Anderson, Mr. Woodul, Ms. Buesing, Ms. Mendez-Harper, and Chairman Mazzoni. Board members absent were Ms. Yarbrough and Mr. Carrier. Board staff present was, Ms. Wilhite, Ms. McCormick and board counsel, Mary Smith.

2. 10:00 a.m. MTP Report*:

3. Executive Director's Report* (may be heard at any time during the meeting):

Motion made by Ms. Mendez-Harper, seconded by Mr. Anderson to go into closed session at 10:26 p.m., to discuss the MTP report and case presentations, Mr. Cross, Ms. Saavedra, Ms. Buesing, and Mr. Woodul voted unanimously to pass the motion.

a. Case presentations:

Inspector Mossberg:	2013-025/close-DA	2013-042/NCA and AL
Inspector McCracken:	2013-026/NCA	2013-040/NCA
	2013-046/AL	2013-050/AL
	2013-055/VS	

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Inspector Kesner:	2013-038/VS 2013-052/close	2013-045/NCA
Inspector A. Padilla:	2012-048/AL 2012-052/close 2012-065/AL 2012-095/AL 2013-044/OCS 2013-056/VS	2012-051/NCA 2012-063/close 2012-067/AL 2013-041/close-DA 2013-047/VS
Inspector B. Padilla	2013-013/NCA 2013-051/close	2013-043/close

NCA = Notice of Contemplated Action
 VS = Voluntary Surrender
 DR = Default Revocation
 AL = Advisory Letter
 DA = Submitted to District Attorney
 OSC = Order to Show Cause

The board went back into open session at 12:24 p.m. and the only issues discussed were case presentations and the MTP report.

Motion: **Close cases** 2012-052, 2012-063, 2013-025, 2013-041, 2013-043, 2013-051, 2013-052. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: **Issue an advisory letter** to 2013-046, 2013-050, 2012-095, 2012-065, 2012-067 and 2012-048. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: **Issue NCA w/pre-settlement agreement** case 2012-051 and 2013-045. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: **Issue NCA w/pre-settlement agreement to revoke** case 2013-040 and 2013-042 and advisory letter to PIC. Motion made by Ms. Mendez-Harper, seconded by Mr, Cross, board voted unanimously to pass the motion.

Motion: **Issue NCA w/pre-settlement agreement to surrender** case 2013-026 and 2013-056

Motion: **Issue NCA to revoke w/pre-settlement agreement to surrender** case 2013-013. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: **Accept voluntary surrender** case 2013-055. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: **Issue an Order to Show Cause** case 2013-044. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

***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 at any time during the meeting to accommodate hearings.**

H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation.

b. Stipulated or Settlement Agreements/Surrenders/Default Hearings and Orders*:

- 2011-089 Atria Vista Del Rio CU6350 – Stipulated Agreement
- 2013-038 Amanda Elam PT4188 – Voluntary Surrender
- 2013-056 Harriet James CS207595 – Voluntary Surrender
- 2013-047 Mikki Pacheco PT7932 – Voluntary Surrender

Motion: **Accept stipulated agreements, surrenders, defaults and orders** as presented. Motion made by Ms. Mendez-Harper, seconded by Mr. Cross, board voted unanimously to pass the motion.

c. Open Meetings Resolution Adoption:

Motion: Adopt the Open Meetings Resolution as presented. Motion made by Mr. Cross, seconded by Mr. Woodul, the board voted unanimously to pass the motion.

d. Board meeting dates 2014:

Motion: Approve the board meetings as listed, January 16th & 17th 2014, April 17th & 18th 2014, June 19th & 20th 2014, August 25th & 26th 2014, October 16th & 17th 2014. Motion made by Ms. Mendez-Harper, seconded by Ms. Saavedra, the board voted unanimously to pass the motion.

e. District 6,7,8 meeting:

Chairman Mazzoni, Ms. Yarbrough and Director, Larry Loring will attend the district meeting in Boulder, Colorado, September 9th – 11th, 2013.

f. Waivers discussion:

Rules regarding clinics, boarding/custodial and school based clinics will be addressed by an assigned committee and put on the agenda for the October 2013 board meeting.

g. Committees discussion:

The board discussed what committees should be retired and/or developed for 2014. The Wholesale committee will be activated and chaired by Mr. Woodul.

h. Walgreen's Good Faith Dispensing Policy/Inquiry from Congresswoman Michelle Lujan:

The board expressed their concerns and made recommendations to the Walgreens representatives regarding communication and education within Walgreens and its pharmacists.

The final draft is being prepared by Mr. Cross, Ms. Mendez-Harper, Mr. Anderson and Ms. Saavedra in response to into the Walgreen's Good Faith Dispensing Policy. The final draft will be signed by Chairman Mazzoni and mailed via the boards' Administrative Secretary.

***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 at any time during the meeting to accommodate hearings.**

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i. Letter from Retta Ward, NM Secretary of Health:

The board will consider Ms. Retta Wards' request regarding the board enacting regulations that would require all dispensers reporting to the PMP within 24 hours of dispensing controlled substances in order to reduce doctor shopping and dangerous prescribing. The board Director, Larry Loring will respond to the request.

j. 16.19.4 Proposed addition for data collection:

Proposed language regarding survey information will be collected via the license renewal process.

Motion: Notice 16.19.4 NMAC at the October 2013 board meeting. Motion made by Mr. Anderson, seconded by Ms. Mendez-Harper, board voted unanimously to pass the motion.

k. 16.19.8 Proposed changes - VAWD certification, emergency selling:

A wholesale committee will be formed to address proposed changes to include NABP's VAWD certification. Mr. Woodul will chair the committee and work with Mr. Loring to recruit members.

l. 16.19.20 Proposed additions to schedule I:

Proposed language regarding additions of hallucinogenic substances to schedule I was discussed and approved.

Motion: Notice 16.19.20 NMAC at the October 2013 board meeting. Motion made by Mr. Cross, seconded by Ms. Mendez-Harper, board voted unanimously to pass the motion.

m. 16.19.30 Proposed changes Compounding veterinary products:

Proposed language regarding changes for compounding veterinary products was approved.

Motion: Notice 16.19.30 NMAC at the October 2013 board meeting. Motion made by Mr. Cross, seconded by Ms. Saavedra, board voted unanimously to pass the motion.

n. Budget review – Cindy McCormick:

The boards' Financial Administrator, Ms. Cindy McCormick presented the budget to the board. She informed the board that access into many of the programs and reports have been denied without notification. She stated that these programs and reports are necessary for her to function in the capacity that is required of the Pharmacy Board. Issues regarding PSA's, education, vehicles were addressed.

o. HB19 update – Workforce Data Collection:

The RLD IT department is working on the online renewal process to collect the survey of data as required by HB19.

***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 at any time during the meeting to accommodate hearings.**

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p. Status update – Stephen Ellwood 2012-028:

Mr. Stephen Ellwood filed an appeal on July 22, 2013. Mary Smith and Debra Wilhite have filed the record on appeal on 8/21/2013.

q. Structuring agreements/orders:

The board tabled until the October 2013 board meeting.

r. Western Dermatology Consultants letter re 16.19.30:

Director, Larry Loring will send response letter regarding the concerns Western Dermatology has with adopted rule amendment 16.19.30.9 NMAC which does not allow for physician offices to dispense compounded medications.

s. Chiropractic case update:

The board received the Appeal and Opinions from the Appeals Court. Board counsel, Mary Smith stated that the next step will be to present a formulary. The board will activate the Chiropractic committee and work with the New Mexico Medical board.

t. Board consideration of, and action regarding, its relationship with RLD– Mary Smith:

Board counsel, Mary Smith asked to address the relationship between RLD and the Pharmacy Board in regards to finances. Ms. Smith stated that she feels that RLD is in violation of the statutes. She stated that in order for the board to function in the capacity that is required, that access must be allowed. Budgetary issues regarding PSA's, education, vehicles, and board member appointments were addressed. Mr. Danny Cross stated that he will follow-up.

4. Election of Officers:

Motion: Nominate Ms. Mendez-Harper as Secretary. Motion made by Mr. Mazzone, seconded by Mr. Woodul, board voted unanimously to pass the motion.

Motion: Nominate Ms. Buesing as Vice-Chair. Motion made by Ms. Saavedra, seconded by Mr. Cross, board voted unanimously to pass the motion.

Motion: Nominate Danny Cross as Chairman. Motion made by Ms. Saavedra, seconded by Mr. Anderson, board voted unanimously to pass the motion.

Recess meeting 8/26/13 at 5:29 p.m.

Adjourn meeting 8/27/13 at 1:19 p.m.

Motion: Adjourn meeting. Motion made by Mr. Cross, seconded by Ms. Saavedra, board voted unanimously to pass the motion.

***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 at any time during the meeting to accommodate hearings.**

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