



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

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

MISSION STATEMENT

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

August 30th & 31st, 2018 Official Meeting Minutes

Board Meetings are open to the public pursuant to the "Open Meetings Act" and notices to the public are posted in the Albuquerque Journal. Notice published July 28, 2018.

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Location: 5500 San Antonio Dr. NE, Albuquerque, NM 87109

Scheduled Meeting Time: 9:00 a.m. – 5:00 p.m. Thursday and Friday

Thursday August 30, 2018

1. Procedural Items:

9:00 a.m. Call to Order: Chairman Mazzoni called the meeting to order at 9:00 a.m. on August 30, 2018.

Roll Call: Chairman, Richard Mazzoni called roll and a quorum was established with the following members present: (P = Present A = Absent)

P Richard Mazzoni, Chairman P Chris Woodul, Vice-Chairman P Neal Dungan, Secretary
P Teri Rolan P Dale McCleskey P Bill Lord P Cathleen Wingert A Michael Garringer

Board staff members present were Executive Director, Cheranne McCracken; Administrative Secretary, Debra Wilhite; and board counsel Assistant Attorney General, Delilah Tenorio.

Introduce current Intern: Phoenix Fedewa

Introduce new Board Member: Dale McCleskey

Approval of the Agenda: Motion was made by Ms. Rolan, seconded by Ms. Wingert to approve the agenda as presented, board voted unanimously to pass the motion.

Approval of June 2018 Minutes: Ms. McCracken stated that she amended the draft minutes to address the inaccurate information regarding the pharmacist clinician application list.

Motion was made by Mr. Woodul, seconded by Ms. Wingert to approve the minutes as presented, board voted unanimously to pass the motion.

2. New Licensee Applications:

a) Application List:

Mr. Dungan presented the application list to the board.

Motion: **11 Clinic/Home Health** applications are in order. Motion made by Mr. Dungan, seconded by Mr. Woodul, 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), Section 10-15-1H(3), or Section 10-15-1H(7) of the Open Meeting Act. Agenda items may be executed at any time during the meeting to accommodate hearings. H(1) are licensing matters, H(2) is limited to personnel matters, H(3) is limited to deliberations on administrative adjudicatory proceedings, H(7) is pending or threatened litigation.

Motion: **3 EMS** applications are in order. Motion made by Mr. Dungan, seconded by Mr. McCleskey, board voted unanimously to pass the motion.

Motion: **13 Custodial/Nursing Home** applications are in order. Motion made by Mr. Dungan, seconded by Mr. Woodul to approve applications, board voted unanimously to pass motion.

Motion: **1 Researcher** application is in order. Motion made by Mr. Dungan, seconded by Mr. Woodul, board voted unanimously to pass the motion.

Motion: **1 Outsourcing Facility** application is in order. Motion made by Mr. Dungan, seconded by Mr. McCleskey, board voted unanimously to pass motion.

Motion: **6 Pharmacy/Hospital** applications are in order. Motion made by Mr. Dungan, seconded by Mr. McCleskey to approve applications, board voted unanimously to pass motion.

Motion: **45 Non-Resident Pharmacy** applications are in order. Motion made by Mr. Dungan, seconded by Ms. Rolan to approve applications, board voted unanimously to pass motion.

Motion: **1 Contact Lens Distributor** application is in order. Motion made by Mr. Dungan, seconded by Ms. Wingert, board voted unanimously to pass the motion.

Motion: **35 Wholesale/Broker** applications are in order. Motion made by Mr. Dungan, seconded by Mr. McCleskey to approve applications, board voted unanimously to pass motion.

NEW MEXICO BOARD OF PHARMACY
REGULAR MEETING
APPLICATION LIST
August 30 & 31, 2018

CLINIC /HOME HEALTH (11 - TOTAL)

1. Ace Leadership High School
1240 Bellemah NW
Albuquerque, NM 87104

2. Davita Medical Group – Endocrinology
5150 Journal Center Boulevard, 2nd Floor
Albuquerque, NM 87109

3. La Familia Medical Center
1035 Alto Street
Santa Fe, NM 87501

4. Maxim Health Systems, LLC
6121 Indian School Road NE Suite 120
Albuquerque, NM 87110

CONSULTANT PHARMACIST

New
Charles Cummings, R. Ph.

Relocation
Mark Cordova, R. Ph.

Remodel
Sherry Montoya, R. Ph.

Relocation
Amy Buesing, R. Ph.

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5. NextCare New Mexico, LLC 1648 Alameda Boulevard NW Albuquerque, NM 87114	New Wesley Langer, R. Ph.
6. North Albuquerque Dialysis 5200 San Mateo NE Albuquerque, NM 87109	Relocation Wilfred Chavez, R. Ph.
7. Pecos Valley Medical / School Based Health Center North Highway 63, Panther Parkway Pecos, NM 87552	New Mary Sjoberg, R. PH.
8. PMS – Laguna Acoma Teen Health Center 282 Casa Blanca Road Casa Blanca, NM 87007	New Tanya Gonzales, R. Ph.
9. Renal Care Group Las Cruces South 2525 S. Telshor, Suite B Las Cruces, NM 88011	Remodel Valerie Hanway, R. Ph.
10. Sandia Peak Dialysis 10410 Copper Point Way NE Albuquerque, NM 87123	New Robert E. Adams, R. Ph.
11. South Campus Sports Medicine 1414 University Boulevard SE Albuquerque, NM 87131	Change of Ownership John Rafi, R. Ph.
<u>EMS (3 – TOTAL)</u>	<u>CONSULTANT PHARMACIST</u>
1. Forrest Volunteer Fire Department 209 NM 210 Forrest, NM 88427	New Becky Reed, R. Ph.
2. Los Lunas Fire Department 465 Sand Sage Road NW Los Lunas, NM 87031	Relocation Christopher DeAnda, R. Ph.
3. Los Lunas Fire Department 465 E. Main Street Los Lunas, NM 87031	New (in Use) Christopher DeAnda, R. Ph.

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CUSTODIAL/NURSING HOME (13 – TOTAL)

1. Above & Beyond, Inc.
7621 Mountain Road NE
Albuquerque, NM 87110

2. Avamere at Rio Rancho
10000 Riverview Drive SE
Rio Rancho, NM 87124

3. Avamere at Roswell
2801 N Kentucky Avenue
Roswell, NM 88201

4. Avamere at Roswell
2725 N. Pennsylvania Avenue
Roswell, NM 88201

5. Casa Valencia Assisted Living
615 Valencia Drive SE
Albuquerque, NM 87108

6. Citizens for the Developmentally Disabled
2532 Ridge Runner Road
Las Vegas, NM 87701

7. East Mountain Hospice, LLC
12126 Highway 14 N
Cedar Crest, NM 87008

8. Grace Senior Ranch
10709 San Bernardino Drive NE
Albuquerque, NM 87122

9. Great Livin' LLC
2901 Juan Tabo NE
Albuquerque, NM 87112

10. Juana F. Martinez
500 59th Street NW
Albuquerque, NM 87105

CONSULTANT PHARMACIST

New
Keun-Kyu Yi, R. Ph.

New
Maureen Rogers, R. Ph.

New
Kimberley Ann Peter, R. Ph.

New
Kimberley Ann Peter, R. Ph.

New
Joel Villarreal, R. PH.

New
Monica T. Ruiz-Marquez, R. Ph.

New
Lori Carbajal, R. Ph.

New
Annabel Roberts, R. Ph.

New
Annabel Roberts, R. Ph.

New
Kathleen Klein, R. Ph.

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11. Lessons of Life
2901 Majestic Ridge, Apartment #11
Las Cruces, NM 88011

New
Valerie Hanway, R. Ph.

12. Los Portales LLC
300 S. Highway 28
Anthony, NM 88021

New
Melinda Guerrero, R. Ph.

13. Santa Fe Recovery Center
1600 St. Michael's Drive
Santa Fe, NM 87505

New
Robert Shirley, R. Ph.

RESEARCHER (1 - TOTAL)

1. Lovelace Respiratory Research Institute
2425 Ridgcrest Drive SE, Room 125, 125 Bldg. 14A
Albuquerque, NM 87108

New

OUTSOURCING FACILITY/NON RESIDENT (1 – TOTAL)

1. Advanced Pharma, Inc. d/b/a Avella of Houston
9265 Kirby Drive
Houston, Texas 77054

PHARMACIST IN CHARGE
New
Alejandro Barboza, R. Ph.

PHARMACY /HOSPITAL (6 – TOTAL)

1. Addison Drug
127 E Sumner Avenue
Fort Sumner, NM 88119

PHARMACIST IN CHARGE
Remodel
Robert Addison, R. Ph.

2. Bestcare Pharmacy Tucumcari
511 S 2nd Street
Tucumcari, NM 88401

Change of Ownership
Ashok Pothula, R. Ph.

3. Masoud Khorsand Sahbaie, MD PA;
Kymera Independent Physicians
400 Military Heights Place
Roswell, NM 88202

New
Joe R. Carrillo, R. Ph.

4. MJRX III, LLC Rx Innovations, LC
151 S. Walnut Street Suite A5
Las Cruces, NM 88001

New
Kevin Collier, R. Ph.

5. Wal*Mart Pharmacy #10-1414
1 I-25 Bypass
Belen, NM 87002

Remodel
Theresa Sanchez, R. Ph.

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6. Zia Pharmacy
575 South Alameda Boulevard #102
Las Cruces, NM 88005

New
Joell Yan, R. Ph.

NON-RESIDENT PHARMACY (45 – TOTAL)

PHARMACIST IN CHARGE

1. AE Pharmacy, LLC dba PillPack Austin
220 Industrial Boulevard, Suite #100
Austin, TX 78745

Change of Ownership
Stacie Danielson, R. Ph.

2. Amerimedz II Inc dba City Place Pharmacy
4047 Okeechobee Boulevard Suite #218
West Palm Beach, FL 33409

New
Maria Diaz, R. Ph.

3. Avella of Orlando, Inc.
100 Technology Park, Suite #155
Lake Mary, FL 32746

Change of Ownership
Mary Paula Stevens, R. h.

4. Avella of Scottsdale, Inc.
9777 N 91st Street, #C-102
Scottsdale, AZ 85258

Change of Ownership
Jennifer Finocchiaro, R. Ph.

5. Avella Patient Access Program, Inc.
100 Technology Park, Suite #157
Lake Mary, FL 32746

Change of Ownership
Nicole Rosenke, R. Ph.

6. BLX Specialty Pharmacy
4733 Shavano Oak, Suite #101A
San Antonio, TX 78249

New
Kimberly Lane, R. Ph.

7. Cardinal Care Pharmacy, Inc.
2319 Weldon Parkway
Saint Louis, MO 63146

New
Gary Anderson, R. Ph.

8. CareMetx Health, LLC
704 Quince Orchard Road, Suite #150
Gaithersburg, MD 20878

New
Darvin Joy, R. Ph.

9. Crestview Pharmacy Services LLC
3225 South Hardy Drive, Suite #100
Tempe, AZ 85282

Change of Ownership
Kathleen Craig, R. Ph.

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10. CRx Pharmacy 206 W Country Line Road #100 Highlands Ranch, CO 80129	New John Lemnotis, R. Ph.
11. CTCA Rx, LLC 610 Celebrate Life Parkway Newman, GA 30265	New Valeana Domercant, R. Ph.
12. Derm Rx Pharmacy 17826 Davenport Road, Suite B Dallas, TX 7525	New Clement Aboge, R. Ph.
13. Diplomat Specialty Pharmacy of Phoenix, LLC Dba Diplomat Specialty Pharmacy 485 N Juniper Drive Chandler AZ 85226	New Sandra Barbosa, R. Ph.
14. Focus Rx Pharmacy Services, Inc. 2805 Veterans Memorial Hwy, Suite #19 Ronkonkoma, NY 11779	New Richard Collins, R. Ph.
15. Fresh Rx 565 Goddard Avenue Ignacio, CO 81137	New John Kutzko, R. Ph.
16. ISA Management Services, LLC d.b.a Gaston Pharmacy #1 2600 Stemmons Freeway #176 Dallas, TX 75207	New Marvin R. Arnold, R. PH.
17. J. R. Simplot Company d/b/a Western Stockmen's Pharmacy 223 Rodeo Avenue Caldwell, ID 83605	New Jason Kimoda, R. Ph.
18. Kaiser Permanente Pharmacy #985 9521 Dalen Street Downey, CA 90242	New Phi Lam, R. Ph.
19. Kermit Pharmacy 810 Myer Lane Kermit, TX 79745	Change of Ownership Hiren Darji, R. Ph.

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20. Mace Rx Pharmacy LLC 8775 South Gessner Road Houston, TX 77074	New Oliver Anosike, R. Ph.
21. MAH Pharmacy L.L.C. dba CHD Pharmacy 4600 North Hanley Road, Suite C Saint Louis, Missouri 63134	New Richard E Kruse, R. Ph.
22. Midtown Express Pharmacy 300 20 th Avenue N. #105 Nashville, TN 37203	New Henry Dunklau IV, R. Ph.
23. M.N. Pharmacy, LLC dba PillPack Miami 8725 NW 13 th Terrace Miami, FL 33172	Change of Ownership Joshua Heiblum
24. Pharmaceutical Prescription Service, LLC 155 Jefferson Street Newark, NJ 07105	New Fady G Sorial, R. PH.
25. Pharmacy Consultants, LLC dba Omnicare Clinical Intervention Center 348-A East Blackstock Road Spartanburg, SC 29301	New Janine Cleveland, R. Ph.
26. PillPack LLC 250 Commercial Street, Suite #2012 Manchester, NH 03101	Change of Ownership Nicholas Guletsky
27. Pipeline Rx 5600 N. River Road #854 Rosemont, IL 60018	New Kevin L. Jones, R. Ph.
28. Professional Pharmacy Resources 4854 Woodbine Road, Unit 5 Pace, FL 32571	New Bryan Henderson, R. Ph.
29. Rainwood Rx LLC 20513 Nicholas Circle, Suite #3 Elkhorn, NE 68022	Change of Ownership Tanner Anderson, R. Ph.

30. RARx, LLC 1911 Church Street, Suite #202 Nashville, TN 37203	Change of Ownership Brantley Wescott, R. Ph.
31. Senderra Rx Partners LLC 9330 LBJ freeway, Suite 1300 Dallas, TX 75243	New Nancy Crowell, R. Ph.
32. South Miami Pharmacy II D/B/A SMP Pharmacy Solutions #2 7425 SW 42 St Miami, FL 33155	Change of Ownership Jenny Lynn Alfonso, R. Ph.
33. Sunrise Pharmacy LLC 2560 E Sunset Road, Suite #102 Las Vegas, NV 89120	New Tamara Angeles, R. Ph.
34. Super Care, Inc. 16017 Valley Boulevard City of Industry, CA 91744	New Ali Nouri Khorasani, R. Ph.
35. Sure-Rx Pharmacy 816 Franklin Street, Suite A Anthony, TX 79821	New Jonathan U. Ugege, R. Ph.
36. Steeplechase Express RX 10694 Jones Road, Suite #115 Houston, TX 77065	New Angela Dupre, R. Ph.
37. Talon Compounding Pharmacy 2950 Thousand Oaks Drive, Suite #25 San Antonio, TX 78247	Change of Ownership Ronda Wenzel. R. Ph.
38. The Wellness Corner 17733 Jefferson HWY Prairieville, LA 70769	New Angelle Huff, R. Ph.
39. Thies Lombard Pharmacy Inc. 211 S Main Street Lombard, IL 60148	New Clarke Kuelczo, R. Ph.

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|---|--|
| 40. Uptown Drugs Pharmacy
14737 Champaign Road
Allen Park, MI 48101 | Change of Ownership
Stephanie Couch, R. Ph. |
| 41. ValisureRX LLC
5 Science Park, Suite 1
New Haven, CT 06511 | New
Paul R. Barry Jr., R. Ph. |
| 42. Walnut Creek Rx LLC
11020 Q Street
Omaha, NE 68137 | Change of Ownership
Kristi Hurley, R. Ph. |
| 43. Wedgewood Village Pharmacy, LLC d/b/a
Diamondback Drugs
7631 E Indian School Road, Suite #105
Scottsdale, AZ 85251 | Change of Ownership
Kory Muto, R. Ph. |
| 44. Wedgewood Village Pharmacy, LLC
405 Heron Drive, Suite #200
Swedesboro, NJ 08085 | Change of Ownership
Alison Lynch, R. Ph. |
| 45. Westover Hills Pharmacy
9793 Culebra Road, Suite #101
San Antonio, TX 78251 | New
Randy Nemecek, R. Ph. |

CONTACT LENS DISTRIBUTOR (1 – TOTAL)

- | | |
|--|-----|
| 1. Jand Inc.
161 Avenue of the Americas
New York, NY 10013 | New |
|--|-----|

WHOLESALE/BROKER (35- TOTAL)

- | | |
|---|---------------------|
| 1. Aerie Pharmaceuticals Inc.
135 US Highway 206, Suite 15
Bedminster, NJ 007921 | New |
| 2. AmerisourceBergen Drug Corporation
12727 West Airport Boulevard
Sugar Land, TX 77478 | New |
| 3. Amneal Pharmaceuticals LLC
40 Aberdeen Drive
Glasgow, KY 42141 | Change of Ownership |

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4. Amneal Biosciences LLC 400 Crossing Boulevard, Third Floor Bridgewater, NJ 08807	New
5. Aprecia Pharmaceuticals, LLC C/O Prasco Laboratories 6125 Commerce Court Mason, Oh 45040	New
6. Aquestive Therapeutics, Inc. 30 Technology Drive Warren, NJ 07059	New
7. Bionpharma Inc. 15 Ingram Boulevard LaVergne, TN 37086	New
8. Chadwick & Davidson Corp. 3861 NW 124 th Avenue Coral Springs, FL 33065	New
9. Circassia Pharmaceuticals Inc. 501 Mason Road, Suite #200 La Vergne, TN 37086	New
10. DSC Logistics, LLC 874 Thomas Parkway Jefferson, GA 30549	Change of Ownership
11. DSC Logistics, LLC 11599 Arrow Route Rancho Cucamonga, CA 91730	Change of Ownership
12. Essential Pharmaceuticals, LLC 1009 Slater Road, Suite 210B Durham, NC 27703	New
13. Exelixis U. S., LLC 420 International Boulevard Suite 500 Brooks, KY 40109	New

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14. FLUVACCINE.ORG Inc. 4655 Cass Street, Suite #102 San Diego, CA 92109	New
15. Glasshouse Pharmaceuticals LLC 7600 Danbro Crescent Mississauga, Ontario, Canada L5N, 6L6	New
16. Greenwich Biosciences, Inc. 420 International Boulevard, Suite 500 Brooks, KY 40109	New
17. HHCRX 11930 Kemper Springs Drive, Suite #200 Cincinnati, OH 45240	New
18. Horizon Medicines LLC 15 Ingram Boulevard, Suite 100 La Vergne, TN 37086	New
19. Horizon Medicines LLC 501 Mason Road, Suite 200 La Vergne, TN 37086	New
20. IBSA Pharma Inc. 8 Campus Drive, Suite 201 Parsippany, NJ 07054	New
21. Impax Laboratories, LLC 602 Office Center Drive, Suite 200 Fort Washington, PA 19034	Change of Ownership
22. Jams Wholesale Distribution Services 4811 Lyons Technology Parkway Unit 23 + 24 Coconut Creek, FL 33073	New
23. McKesson Specialty Distribution LLC 4100 Quest Way Memphis, TN 38115	New
24. Medisol Plus, LLC 1771 International Parkway, Suite #121 Richardson, TX 75081	New

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25. Medunik USA, Inc. dba Integrated Commercialization Solutions, Inc. 420 International Boulevard, Suite #500 Brooks, KY 40109	New
26. Meitheal Pharmaceuticals, Inc. 8700 W Bryn Mawr Avenue, Suite 600 S Chicago, IL 60631	New
27. Melinta Therapeutics, Inc. 300 Tri-State International, Suite 272 Lincolnshire, IL 60069	Change of Ownership
28. Novadoz Pharmaceuticals, LLC 20 Duke Road, Suite A Piscataway, NJ 08854	New
29. Putney, Inc. One Monument Square, Suite #400 Portland, Maine 04101	Change of Ownership
30. ScieGen Pharmaceuticals, Inc. 89 Arkway Drive Hauppauge, NY 11788	New
31. SCILEX Pharmaceuticals Inc. 27201 Puerta Real, Suite 235 Mission Viejo, CA 92691	New
32. St. Renatus, LLC 1000 Centre Avenue Fort Collins, CO 80526	New
33. The Hilsinger Company 4646 S Overland Drive Tucson, AZ 85714	Change of Ownership
34. Wedgewood Village Pharmacy, LLC d/b/a Diamondback Drugs 7631 E. Indian School Road, Suite 201 Scottsdale, AZ 85251	Change of Ownership

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35. Xellia Pharmaceuticals USA, LLC
200 Northfield Road
Bedford, OH 44146

New

b) Pharmacist Clinicians:

Motion: Approve new protocol for existing license with prescriptive authority (no controlled substances) for Luis De Jesus Gonzalez, motion made by Mr. Dungan, seconded by Ms. Rolan, board voted unanimously to pass motion.

Motion: Approve new protocol for existing license for Davina Marie Norris and Mikoko Takeda, motion made by Mr. Dungan, seconded by Ms. Rolan, board voted unanimously to pass the motion.

Motion: Attach application lists to the minutes, motion made by Ms. Rolan, seconded by Ms. Wingert, board voted unanimously.

Pharmacist Clinician Credentialing Committee

PLACE: New Mexico Board of Pharmacy

Date: August 9, 2018

MEMBERS PRESENT: Greg D'Amour, RPh PhC; Joe Anderson R.Ph, PhC; Jooyung Han R.Ph., NMBOP Inspector; Rocio Cruz, Licensing Manager

ABSENT: Amy Buesing R.Ph; Cheryl Burlett, R.Ph.

Luis De Jesus Gonzalez Approved new protocol for existing license with prescriptive authority (no controlled substances)

Davina Marie Norris Approved new protocol for existing license

Mikoko Takeda Approved new protocol for existing license

Submitted: Rocio Cruz, Licensing Manager

Next PhC meeting October 4, 2018

3. 9:20 a.m. Rules Hearings:

Chairman Richard Mazzoni opened the rule hearing at 9:22 a.m. and took roll call. Present were Mr. Dungan, Mr. McCleskey, Ms. Wingert, Mr. Woodul, Ms. Rolan, Mr. Lord, and Chairman Mazzoni. Mr. Garringer was absent.

Also present were Executive Director, Cheranne McCracken, Administrative Secretary, Debra Wilhite and board counsel Delilah Tenorio.

The Chairman entered the notice of hearing as exhibit #1, exhibit #2 proposed language for 16.19.29 NMAC; no written comments, exhibit #3 sign in sheet.

16.19.29 NMAC – CONTROLLED SUBSTANCE PRESCRIPTION MONITORING PROGRAM:

Amendments; clarification of objective, addition of audit trail definition and disclosure, clarification of data submission reporting requirements, clarification of authorized users.

STATUTORY AUTHORITY: Paragraphs (1) and (2) of Subsection A of Section 61-11-6, 30-31-3, 30-31-11, and 30-31-16 NMSA 1978.

Motion: Adopt language as amended in Section 7 and 10; adopt language as presented in Section 6, 8, 9, and 12 of 16.19.20 NMAC. Motion made by Mr. Dungan, seconded by Ms. Rolan, board voted unanimously to pass the motion.

4. Committee Reports and Board Actions*:

Pharmacy Practice Committee – Teri Rolan:

a) Discussion, proposed rule amendment 16.19.6.24 NMAC Non-resident pharmacy (issues associated with prescription filling when written by non-recognized practitioner type): Take back to committee.

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- b) **Discussion, proposed rule amendment 16.19.27.7 and 16.19.4.9 NMAC** dishonorable conduct; unprofessional conduct: (solicitation of prescriptions, including compounded preparations)

Statement from FDA commissioner on efforts relating to compounded drugs

Motion: Notice 16.19.4.9 NMAC and 16.19.27.7 NMAC at the October 2018 board meeting. Motion made by Mr. Woodul, seconded by Mr. Dungan, board voted unanimously to pass the motion.

Facilities and Operations Committee – Cathleen Wingert/Bill Lord:

- a) **Discussion, proposed rule amendment 16.19.7 NMAC** Inpatient hospital pharmacy dispensing upon patient discharge from hospitalization:

Motion: Notice 16.19.7 NMAC at a future board meeting. Motion made by Mr. Woodul, seconded by Mr. Dungan, board voted unanimously to pass the motion.

- b) **USP subcommittees:** No report at this time.

5. **10:00 a.m. Order to Show Cause***: Rolando Tong CS208178 - 2017-012
(Kathy Townsend Court Reporting will be recording)

The Chairman opened the hearing at 10:00 a.m. Present were Executive Director, Cheranne McCracken, Administrative Secretary, Debra Wilhite, and board counsel, Delilah Tenorio.

Ms. McCracken stated that Mr. Rolando Tong was not present and that he submitted a voluntary surrender of controlled substances privileges form on 8/29/18, a day before the board meeting. Based on discussion, the surrender order would be issued with the condition of paying the cost of investigation and the cost of the hearing, which would also be required for reapplication for his controlled substance registration.

Motion made by Mr. Woodul, seconded by Mr. McCleskey, to approve the issuance of an order to accept the voluntary surrender order with conditions, board voted unanimously to pass the motion.

6. **10:30 a.m. Prescription Monitoring Report – Peter Ryba***

- a) **PMP InterConnect, RxCheck Hub**: presented numerous statistics that indicated that NM discloses PMP patient data via InterConnect primarily to border states, and vice versa. However, NM continues to provide the option to share data via InterConnect with 25+ states. If not a border state, positive disclosure of patient PMP data is very minimal, sometimes non-existent. Since a major push across the nation is to have PMP data integrated within Electronic Health Records and Pharmacy Dispensing Systems, the amount of requests being sent/received will exponentially increase, which may impact bandwidth and system integrity; advised the board that Gateway (the system that allows for integrated systems to talk to InterConnect) will only be allowed for border states and those border states that have provider authorization enabled; another option currently in development is RxCheck, which is operated by the federal government; researching more about this alternative hub and if this would be a feasible option for NM.
- i. **Statistics re: in/out disclosures:** view PMP InterConnect link above.
 - ii. **Gateway audit trail challenge re: EHR integration (exponential increase in PMP patient queries via exact name search):** FYI
- b) **Investigative Reports (certain queries require PMP Administrator approval):** discussed a process requiring investigators based on their user role to obtain approval before a PMP investigative report is disclosed; for consistency with 16.19.29 NMAC.
- c) **NMAG Request:** No report at this time
- d) **2014 Harold Rogers Grant Update:** The grant is officially closed out. All but approximately \$3,000 were used to enhance the PMP and related projects.
- e) **Prescriber Feedback Reports:** – Prescriber Feedback Reports (PFR) is a single page information report sent directly to the prescribing practitioner, it contains information pertinent to them and compares the practitioner to their colleagues in the same specialty here in NM. PFRs were sent throughout June and the response was positive overall. The NM DOH added the option for a survey regarding the effectiveness of

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the PFR. Those survey results are still being reviewed; however, the PFR process worked better than anticipated. This will continue to be delivered on a quarterly basis.

- i. **3200 reports delivered.** Constructive feedback has been good.
- f) **Presentations since last NM BOP meeting:** FYI
 - ii. **Project ECHO**
 - iii. **UNM ER Residents**
- g) **NABP PMP InterConnect Steering Committee Meeting:** Mr. Ryba and Mr. Mazzoni were in attendance and active participants.

Mr. Mazzoni gave kudos to Mr. Ryba for his active involvement and huge undertaking in gathering and presentment of this information.

7. Stipulated or Settlement Agreements/Surrenders/Defaults and Orders*:

2018-037 Carlos Mascarenas PT6058 – Settlement Agreement:

Motion made by Mr. Woodul, seconded by Mr. Lord to accept the settlement agreement for Carlos Mascarenas, board voted unanimously to pass the motion.

8. Litigation Update*:

a) 2017-045, 2017-046, 2017-048: Delilah Tenorio:

Ms. Tenorio stated that she and Ms. McCracken are in the process of sending letters out cease & desist letters to these places of business/individuals.

b) Litigation update - El Ranchito de los Ninos & The Ranches: Delilah Tenorio:

Motion made by Ms. Wingert, seconded by Mr. Dungan to go into closed session at 11:20 a.m. to discuss litigation update item b), case presentations and to return after lunch; Mr. Dungan, Ms. Wingert, Mr. McCleskey, Mr. Woodul, Ms. Rolan, Mr. Lord and Chairman Mazzoni voted unanimously to pass the motion.

9. 12:00 p.m. – 1:30 p.m. Recess for Lunch

The board went back into open session at 4:04 p.m. and the only issue discussed were litigation update item 8. b), and case presentations.

10. Case Presentations*:

Inspector McCracken:	2018-035/NCA		
Inspector Mossberg:	2017-041/close 2018-015/close	2017-043/close 2018-022/close	2017-063/close 2018-031/close
Inspector B. Padilla:	2017-035/close 2018-054/close	2018-033/close 2018-059/close	2018-045/close 2018-060/close
Inspector A. Padilla:	2016-080/close 2018-025/close	2018-002/close 2018-044/close	2018-023/close
Inspector Amparan:	2018-034A/table 2018-050/close	2018-034B/NCA	2018-042/close
Inspector Han:	2018-003A/NCA 2018-040/NCA 2018-061/NCA	2018-003A(1)/NCA 2018-041/close	2018-003B/NCA 2018-043/close
PMP Director Ryba:	2018-020-P/close	2018-021-P/close	2018-029-P/close

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Motion: **Close case:** 2017-041, 2017-043, 2017-063, 2018-015, 2018-022, 2018-031, 2017-035, 2018-033, 2018-045, 2018-054, 2018-059, 2018-060, 2016-080, 2018-002, 2018-023, 2018-025, 2018-044, 2018-042, 2018-050, 2018-041, 2018-043, 2018-020P, 2018-021P, 2018-029P. Motion made by Mr. Dungan, seconded by Ms. Rolan, board voted unanimously to pass the motion.

Motion: **Table case:** 2018-034A. Motion made by Mr. Dungan, seconded by Ms. Wingert, board voted unanimously to pass the motion.

Motion: **Issue an NCA to revoke w/pre-NCA settlement agreement:** 2018-034B. Motion made by Mr. Dungan, seconded by Ms. Wingert, board voted unanimously to pass the motion.

Motion: **Split case 2018-003 into three individual cases; 2018-003A, 2018-003A(1) and 2018-003B and actions as follows:**

2018-003A; Issue an NCA to revoke technician license & may not own a pharmacy in New Mexico & may not reapply for a license in New Mexico for 10 years;

2018-003A(1); Issue an NCA to revoke pharmacy license;

2018-003B; Issue an NCA to revoke w/pre-NCA to surrender pharmacist license, may not reapply for a license in New Mexico for 10 years;

Motion made by Mr. Dungan, seconded by Mr. Lord, board voted unanimously to pass the motion.

Motion: **Issue an NCA to revoke & not re-apply for 10 yrs.:** 2018-040. Motion made by Mr. Dungan, seconded by Ms. Wingert, board voted unanimously to pass the motion.

Motion: **Issue an NCA to revoke & not re-apply for 10 yrs.:** 2018-061. Motion made by Mr. Dungan, seconded by Ms. Wingert, board voted unanimously to pass the motion.

Motion: **Issue an NCA to deny application:** 2018-035. Motion made by Mr. Dungan, seconded by Ms. Rolan, board voted unanimously to pass the motion.

11. Recess for the day: The board recessed at 4:14 p.m.

Friday August 31, 2018

1. Procedural Items:

9:00 a.m. Reconvene: Chairman Mazzoni reconvened the meeting at 9:00 a.m. on August 31, 2018.

Roll Call: Chairman, Richard Mazzoni called roll and a quorum was established with the following members present: (P = Present A = Absent)

P Richard Mazzoni, Chairman P Chris Woodul, Vice-Chairman P Neal Dungan, Secretary

A Teri Rolan P Dale McCleskey P Bill Lord P Cathleen Wingert A Michael Garringer

Board staff members present were Executive Director, Cheranne McCracken; Administrative Secretary, Debra Wilhite; and board counsel Assistant Attorney General, Delilah Tenorio.

2. 9:00 a.m. – 9:40 a.m. Public/Professional Requests/Waiver Petitions*:

a) Mona Ghattas – request to use Rx symbol for coffee shop: Ms. Mona Ghattas was present to request a waiver to allow her "Remedy Coffee" shop signage to display a coffee cup with the logo "Rx" on it. She stated that she has worked in the community as a pharmacist for over 30 years, the coffee shop is an asset to the neighborhood, has created 10 new jobs in an effort to strengthen the local

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community, and in today's world the letters "Rx" are widely used by many businesses locally and nationally.

Board counsel, Delilah Tenorio stated that statute 61-11-21(B) prohibits the use of signage or advertisement that may indicate to the public that the business is a pharmacy, unless the business is licensed by the board under the Pharmacy Act, the board has no latitude in the matter.

Upon further discussion by the board and Ms. Ghattas the board will allow her the opportunity as with other businesses that have come to the board, to change the signage, advertisements, and product as such, so that there is no need to address this issue with the legislature or the court.

Motion made by Mr. Dungan, seconded by Mr. McCleskey to allow a 12-month stay of enforcement of the statute, enabling Ms. Ghattas to make the necessary changes, board voted unanimously to pass the motion.

b) Robert Rhyne - [UNM HERO TRaILs training impact on opioid prescribing](#) – PMP project: Mr. Robert Rhyne was present to request a waiver regarding the use of de-identified PMP database information.

Motion made by Mr. Woodul, seconded by Mr. Dungan to approve the waiver for three (3) years to allow the use of de-identified information from the PMP database for use in studying the practices of opioid prescribing, and report back to the board periodically with results, board voted unanimously to pass the motion.

c) Robert Rhyne, Brandon Warrick - [Opioids and medical cannabis](#) – PMP project: Mr. Robert Rhyne and Mr. Brandon Warrick were present to request a waiver regarding the use of de-identified PMP database information.

Motion made by Mr. Woodul, seconded by Mr. Dungan to approve the waiver for three (3) years to allow the use of de-identified information from the PMP database for use in evaluating the impact medical cannabis has on opioid prescription for pain patients who are also using medical cannabis for pain, and report back to the board periodically with results, board voted unanimously to pass the motion.

d) Sharon Suan – [request to retake NAPLEX Exam](#): Ms. Sharon Suan was present to request to retake the NAPLEX upon taking the test 5 times to date.

The board and UNMCOP Dean, Donald Godwin discussed her circumstances, and provided suggestions for study guides.

Motion made by Mr. Dungan, seconded by Mr. Lord to allow Ms. Suan one (1) attempt within the next six months to retake the NAPLEX, board voted unanimously to pass the motion.

3. Executive Director's Report*:
(May be heard at any time on August 31, 2018)

a) [2018 Open Meetings Act Resolution](#): FYI

Motion made by Mr. Dungan, seconded by Ms. Wingert to adopt the 2018 OMA resolution, board voted unanimously to pass the motion.

b) Election of Board Officers: Richard Mazzoni re-elected as chairman; Chris Woodul re-elected as vice-chairman; Neal Dungan re-elected as secretary

c) 2019 Board Meeting Dates: Board approved dates listed for 2019 board meetings.

1/24-25/19 Thursday/Friday 4/18-19/19 Thursday/Friday
6/27-28/19 Thursday/Friday 8/22-23/19 Thursday/Friday
10/24-25/19 Thursday/Friday

d) Board strategic plan: FYI. Defer and address at the October 2018 board meeting.

e) Budget FY19 and FY20 & Surplus Inventory: FY19 remains the same; unable to fill inspector position at this time. FY20 ongoing budget planning. Surplus inventory will be addressed and presented to the board at a future board meeting.

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f) **Executive order 2018-037**: Turned in to Governor Susanna Martinez on 8/30/18 by Superintendent Unthank.

g) Board member and staff reports:

- NABP meeting August 2018 - Chairman Mazzoni: Mr. Mazzoni stated that is was not intended for an agenda item.
- **Critical Point Sterile Compounding Inspector Training** Totowa NJ Cisci Han/Amparan: Topics regarding what is enforceable and future requirement of enforcement; excellent grasp and knowledge of <797>; training for professionals & inspectors; NM has a unique and structured inspection form thanks to Inspector Mossberg as we are above the curve; Inspectors Han & Amparan are now CSCI certified upon completion of the training.

h) 50 Year Pharmacist Recognition: Recognition certificates will be mailed out to the following pharmacist's; George Elgrably, Dale L. Kemper, Majed T. Faruk and Paul F. Tunnel.

i) Walmart's Opioid Stewardship Initiative: FYI. Discussed the initiative, and CVS initiative; and feedback and comments received.

j) Epidiolex, 16.19.20 NMAC; HB139: FYI. FDA approved drug; the federal controlled substance scheduling is pending.

k) Ironclad Healthcare, pharmacy on tribal land; MOU: Ms. McCracken and Ms. Tenorio are working on developing an MOU regarding the opening of a pharmacy on tribal land within the Navajo Nation.

l) Board staff updates/FYI:

- **Staff recognition**: Mr. Peter Ryba, PMP Director and Ms. Maria Gonzales, PMP Manager are being recognized for their outstanding performance and dedication to developing the PMP department; Ms. Rocio Cruz, newly promoted Licensing Manager is being recognized for her dedication and performance as she is also covering the vacant position of the licensing assistant, which became vacant upon her promotion; Kristina Benavidez, Administrative Assistance has received several comments on her friendliness and helpfulness while on the phone or helping the public when they come into the office.
- **Open positions**: PMP Specialist; applicant declined and stayed with current employer. Licensing assistant; interviews will be held in September 2018.
- **Follow up/FYI**: MTP reminder (published in newsletter, and noticed to website); NTSB recommendation (law update and newsletter); PIL presentation (potential future meeting presentation); 16.10.16 NMAC is still being amended by the medical board; Board of Veterinary Medicine (BVM), USP <800> provided presentation on this topic to BVM during their board meeting.

m) NABP interactive member's forum November 28-29, 2018 nominee: Mr. Woodul will be in attendance of this forum being held in Northbrook, Chicago.

n) Lay Midwife as practitioner's legislation HB299- Delilah Tenorio: FYI. Ms. Tenorio stated that she has not met with Ms. Washburn regarding the re-submission of this amendment to the legislature, as she is in the process of reviewing HB299 against the Pharmacy Act and will report back to the board upon meeting with the Midwifery Board and the DOH.

o) AGO referral forms and board training - Delilah Tenorio: Ms. Tenorio stated that an updated AGO referral form has been sent to Ms. McCracken, for the boards' inspectors use. Ms. Tenorio plans to provide topic-specific board training during 2019 meetings.

4. Disciplinary Hearings*:

(Kathy Townsend Court Reporting will be recording the hearing)

9:30 a.m. Disciplinary Hearing: Walgreens PH4004; Weinstein RP7502; Garrett RP8211 - 2016-048 A, B, C - **Received a motion on 7/30/18 to vacate and continue on October 26, 2018 @ 9:30 a.m.**

Chairman Mazzoni stated for the record, that the hearing has been vacated and moved to October 26, 2018.

11:00 a.m. Disciplinary Hearing: David Wales RP6592 - 2016-076

The Chairman opened the hearing at 11:06 a.m. Present were Executive Director, Cheranne McCracken, Administrative Secretary, Debra Wilhite, board counsel, Delilah Tenorio and prosecuting attorney for the State, Ismael Camacho. Also present was respondent, David Wales.

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Mr. Camacho stated that he and Mr. Wales entered into an agreement to be proposed to the board. Mr. Wales stated that he did not dispute the notice of contemplated action and has contracted with MTP for treatment. Both Mr. Camacho and Mr. Wales stated for the record that they are in agreement to the terms and conditions specific to this matter, including MTP clearance prior to returning to work, not serve as a PIC, consultant, and work site monitor for the first year after returning to work, notify any potential employers of the existence of these terms and comply with all laws, statutes and regulations relating to the practice of pharmacy, inform the board within 30 days prior to departing from the state of intended residence and enrollment into a health professional monitoring program, pay fines, cost of investigation and hearing costs; included in respondents licensing file, reportable to HIPDA and any violation of these terms and conditions will result in a summary revocation of license; this is considered disciplinary action.

Motion made by Mr. Lord, seconded by Mr. McCleskey to accept the settlement agreement as presented, and upon signature of Chairman Mazzoni, will become effective, board took a roll call vote; Mr. Dungan, Mr. McCleskey, Ms. Wingert, Mr. Woodul and Mr. Lord voted to pass the motion.

5. 12:00 p.m. – 1:00 p.m. Recess for Lunch

6. 1:00 p.m. Monitored Treatment Program Report*:

Motion made by Mr. Dungan, seconded by Ms. Wingert to go into closed session at 1:00 p.m. to discuss MTP report; Mr. Dungan, Mr. McCleskey, Ms. Wingert, Mr. Woodul, Mr. Lord and Chairman Mazzoni voted unanimously to pass the motion.

The board went back into open session at 1:08 p.m. and the only issue discussed was the MTP report.

7. Adjournment: Motion made by Mr. Woodul, seconded by Ms. Wingert to adjourn the board meeting at 1:08 p.m., board voted unanimously to pass the motion.