



New Mexico Regulation and Licensing Department
Board of Pharmacy

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EMERGENCY DISPENSING DECLARATION

Pharmacist Prescription Adaptation During the Declared COVID-19 Emergency

Beginning April 9, 2020 to continue during the declared state of emergency in New Mexico due to COVID-19, unless otherwise amended:

Pursuant to the Pharmacy Act, NMSA 1978, §§ 61-11-6 A (20) and 61-11-6 B (3), the New Mexico Board of Pharmacy authorizes emergency dispensing by a pharmacist through **prescription adaptation** without practitioner approval under the following circumstances:

In an emergency where limited access to prescribing health care practitioners interferes with the pharmacist's ability to provide patient medication timely:

For the purpose of this declaration, prescription adaptation means to change a patient's prescription regarding the:

- a. dose of the prescribed drug,
- b. dosage form of the prescribed drug, or
- c. directions for use of the prescribed drug,

but does not include therapeutic substitution.

1. The pharmacist must possess the knowledge, skill and judgment regarding the performance of the act and understand the condition of the patient, to perform it safely and effectively.
2. The pharmacist will determine whether the prescription adaptation is appropriate, using professional judgment and in accordance with the responsibilities of a pharmacist (16.19.4.16 NMAC, to include verbal communication with the patient or patient's representative regarding the act, patient records, and prospective drug review).
3. A pharmacist, using professional judgment, may determine whether it is necessary to attempt to contact the prescriber before performing the following adaptations:
 - a. change the quantity, dosage, dosage form, or directions for use of the medication dispensed if it meets the *intent of the prescriber*, or
 - b. complete *missing information* on a prescription if there is sufficient evidence to support the change.
 - c. the pharmacist will document the prescription adaptation.
4. In the event of a *product shortage* (prescribed medication is not available): A pharmacist, using professional judgment and in accordance with responsibilities of a pharmacist, may perform prescription adaptation when it is in the best interest of the patient, and the pharmacist cannot obtain the prescribing practitioner's authorization for the adaptation. The pharmacist makes a new prescription. The prescription is dispensed as a 30-day supply with no refills. This provision does not prohibit the same medication from being dispensed at a later time pursuant to the provisions of this declaration, if all conditions continue to be met.
5. The pharmacist will provide patient counseling (which may occur telephonically or by other electronic means), in accordance with 16.19.4.16 (F) NMAC, to include information pertinent to the prescription adaptation.
6. The pharmacist will notify the prescriber of the prescription adaptation within 24 hours in writing by mail or by facsimile. The pharmacist will maintain documentation of notification.
7. The pharmacist will document that the prescription was adapted pursuant to this Emergency Dispensing Declaration.