



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

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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

April 20th & 21st, 2017 Regular Board Meeting Agenda

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 March 17, 2017.

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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 April 20, 2017

1. Procedural Items:

9:00 a.m. Call to Order:

Roll Call:

Approval of the Agenda:

Approval of [January 2017 Draft Minutes](#):

NMBOP Brief Introductions: New Board Member, Michael Garringer; NMBOP Intern, Ashton Robinson; Board Counsel, David Stevens:

2. New Licensee Applications:

- a) Application List
- b) Pharmacist Clinicians

3. 9:30 a.m. Rules Hearings*:

[16.19.6 NMAC – Pharmacies](#)

Wording added to require Non-Resident Sterile Compounding Pharmacies to show compliance with USP within the past 12 months.

[16.19.26 NMAC – Pharmacist Prescriptive Authority](#) [NMBOP Approved HCD Protocol](#)

Addition of Hormonal Contraception Drug Therapy to Pharmacist Prescriptive Authority

[16.19.33 NMAC – Tele-Pharmacy and Remote Dispensing](#)

Expansion, revision, clarification of the NMBOP Tele-Pharmacy Regulation

4. 10:30 a.m. ***Received a motion on 3/20/17 to vacate and reschedule - Disciplinary Hearing 2016-022 – Richard Marano PT6492***

*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.

5. **PMP Report*:**
 - a) SB 263 update:
 - b) Users
 - c) Presentations and Meetings
 - [NAGTRI Opioid Abuse Training](#)
 - NAMSDL PMP Resource Group Meeting (March 2-3, 2017) Dallas
 - Ruidoso – Medical Society Meeting (December)
 - Alamogordo – GCRMC Update (January)
 - Podiatrists Association Meeting (January)
 - Northern New Mexico Implementation Team – Espanola (February)
 - HERO Trails – Silver City (April)
 - b) Grant(s) update
6. **Committee Reports and Board Actions*:**
 - a) Facilities and Operations Committee – Amy Buesing/Cathleen Wingert
 - b) Distribution and Storage Committee – Chris Woodul/Neal Dungan
[16-19-8 NMAC](#) [Track Changes](#) [Fees 16.19.12 NMAC](#)
 - d) Pharmacy Practice Committee – Joe Anderson
Pharmacist DUR Practice Sites
7. **Executive Session*: Personnel Matters**
8. **Recess for the day:**

Friday April 21, 2017

1. Procedural Items:

9:00 a.m. Reconvene:

Roll Call:

2. 9:15 a.m. – 10:35 a.m. Public/Professional Requests/Waiver Petitions*:

9:15 – 9:30 [Christyanna Carabajal PT9641](#) - requesting an additional extension of 1 year (2018); was licensed in 6/25/14 and is not nationally certified – has attended training program twice since license issue date (Havins/graduation August 2017) – spoke with Administrative Secretary, Debra Wilhite on 3/21/17

9:30 – 9:40 [Cynthia Stinson PT00010239](#) – request waiver of one year certification.

9:40 – 9:50 [Yazid Atieh RPh](#) – Tele-Pharmacy waiver of distance from nearest pharmacy.

9:50 – 10:00 Elayne Biscamp PC – Petition to remove asterisk.

10:00 – 10:15 Brandon Warrick - Discussion regarding Loperamide abuse - counterfeit pills - Project update.

10:15 – 10:25 Ernest Dole PC – Discuss pharmacy policies regarding opioid prescriptions.

10:25 – 10:35 [Ashok Pothula](#) – Bestcare Pharmacy Waiver

3. **Deliberation of Christopher Trujillo RP7033*** - January 30, 2017 Hearing 2015-055 - Decision & Order

4. **Litigation Update*:**

- a) Issue OSC/Violation of order to test NAPLEX & MPJE within 6-month timeframe 2015-070 – Craig Collyer RP5334 – Licensing Manager, Sarah Trujillo

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- b) AGO scope of authority:
- Matter as closed 2016-048 - not declined, not nolloed, closed for administrative purposes
 - Modify/Amend MPJE testing time-frame from 18 months to 6 months as board ordered 2016-018 - Martin Salas RP5599
 - Kelsie Current PT8609 Disciplinary Hearing Vacated 2016-063 – AGO offered Settlement Agreement
 - Richard Marano PT6492 Disciplinary Hearing Vacated 2016-022 – AGO offered Settlement Agreement
 - Withdrawal of NCA issued 2015-084; Gilbert Orosco acceptance of settlement agreement received 2/13/17
 - Declining to prosecute; insufficient evidence
 - Subpoena's, authentication of photos, certified copies (evidence submitted by NMBOP inspectors, need guidance and direction)
 - Declining to send original signed settlement agreements to the board

5. Monitored Treatment Program Report*:

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

- a) Error in Pharmacy Filling Medications – Joe Anderson
- b) Emergency Preparedness – Amy Buesing
- c) [16.19.22 NMAC](#) – Section 14 regarding enrollment in board recognized technician training program – language amended in 2013
- d) Pharmacy Board Budget Report:
 - ✓ Board meetings to be held in Albuquerque
 - ✓ Travel (Including vehicles and Subscriptions & Dues)
 - ✓ Licensee Funds/Pharmacist Wall Certificates – Licensees are calling for status - Sarah/Debra
- e) [NABP Member Benefit Statement](#) – Richard Mazzoni
- f) [FTC Task Force Will Put Licensing Boards On Notice](#) – LuGina Mendez-Harper
- g) [OTC Ephedrine Sales Reporting](#)
- h) Legislative Update – Dale Tinker
- i) DEA Drug Take-Back – Jennifer Ortega
- j) Open Meetings Act – Debra Wilhite

7. Case Presentations*:

Inspector McCracken:	2016-072 2017-024	2017-002 2017-025	2017-016	2017-023
Inspector Mossberg:	2016-016	2017-009	2017-011	2017-019
Inspector B. Padilla:	2016-086 2017-026	2017-010	2017-013	2017-018
Inspector A. Padilla:	2016-084 2017-022	2016-089	2017-014	2017-017

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

2013-053 & 2015-024 – Robert McClelland/Bob's Budget Pharmacy – Modified Settlement Agreement
 2015-059 – Cindy Johnson RP6916 – Settlement Agreement
 2015-084 – Gilbert Orosco PT9936 – Settlement Agreement
 2016-022 - Richard Marano PT6492 – Settlement Agreement
 2016-063 - Kelsie Current PT8609 – Settlement Agreement
 2017-011 - Voluntary Surrender

9. Adjournment:

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