



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

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[www.rld.state.nm.us/boards/pharmacy.aspx](http://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

## July 23-24, 2020 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 June 22, 2020.**

### Location: Virtual meeting

**Meeting link:** <https://nmrld.webex.com/nmrld/j.php?MTID=mcdb5ecf091bd7b893313314f6aaef299>

Meeting number: 146 357 5394

Password: Jg6XnKPC3i2

**Join by phone** +1-415-655-0002 United States Toll

Access code: 146 357 5394

**Scheduled Meeting Time: 9:00 a.m. – 5:00 p.m. Thursday and Friday** - The board will continue until finished on Thursday, July 23<sup>rd</sup>. If the meeting agenda items are not finished by 5:00 p.m., the Board will convene on July 24<sup>th</sup> at 9:00 a.m. and continue until finished.

### Thursday July 23, 2020

#### 1. Procedural Items:

- a) 9:00 a.m. Call to Order:
- b) Roll Call:
- c) Richard Mazzoni, Board Member term completion
- d) Approval of the Agenda:
- e) Approval of [May 2020 Minutes](#):

#### 2. New Licensee Applications:

- a) Application List
  - Ratify: Public Health Pharmacist Clinic; and Bright Green Corp.
- b) Pharmacist Clinicians

#### 3. 9:15 a.m. Compliance Determination Hearing\*: Kelly Kemper, RP 5290, [Case 2018-061](#) (*Albuquerque Court Reporting Service will be recording the hearing*)

#### 4. 10:00 a.m. – 11:10 a.m. Public/Professional Requests/Waiver Petitions\*:

- a) 10:00 – 10:10 Department of Health Pharmacy PH00001608 [waiver request](#) 16.19.4.11(C) (1) (g) (ii) NMAC; visitation schedule and remote chart review; Courtney Lovato

\*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.

- b) 10:10 – 10:20 Joel Villarreal RP6498 request to remove PIC restriction 2017-050
- c) 10:20 - 10:30 Kimberly Page, UNM Division of Epidemiology, Biostatistics and Preventive Medicine, waiver request 16.19.29 NMAC; study information
- d) 10:30 – 10:40 Duncan Meiklejohn, UNM Otolaryngology – Head and Neck Surgery, waiver request 16.19.29 NMAC; waiver information; study information
- e) 10:40 – 10:50 Snehal Bhatt, UNM School of Medicine faculty, waiver request 16.19.29 NMAC; waiver information; study information
- f) 10:50 – 11:00 CVS, request to allow pharmacy technician vaccine administration
- g) 11:00 – 11:10 Mona Ghattas request extension of restricted logo use

**5. Committee Reports and Board Actions\*:**

40 minutes: Pharmacy Practice Committee – Teri Rolan Point of Care Testing (POCT) in conjunction with dangerous drug prescribing protocol

Facilities and Operations Committee – Cathleen Wingert/Bill Lord – no report at this time

**6. Executive Director’s Report\*:**

- a) NABP interactive member forum Chris Woodul
- b) legislative session SB 1 (Wholesale Prescription Drug Importation Act); HB 42 (Pharmacist reimbursement parity); cost of dispensing study SM19; SB 8 law enforcement body worn cameras
- c) 2020 Open Meetings Act Resolution
- d) Election of Board Officers: Chairman, Vice Chairman, Secretary
- e) 2021 Board Meeting Dates:
  - 1/21-22 Thursday/Friday
  - 4/22-23 Thursday/Friday
  - 7/22-23 Thursday/Friday
  - 10/21-22 Thursday/Friday

*Alternate dates to July meeting:*  
*June 24-25 Thursday/Friday*  
*August 19-20 Thursday/Friday*
- f) 50 Year Pharmacist Recognition (through December 2020)
- g) Proposed regulation amendments. For discussion, not a rule hearing
  - i. 16.19.6 NMAC – PHARMACIES
  - ii. 16.19.12 NMAC – FEES
  - iii. 16.19.20 NMAC - CONTROLLED SUBSTANCES
  - iv. 16.19.30 NMAC – COMPOUNDING OF NON-STERILE PHARMACEUTICALS
- h) FYI: controlled substance registration renewal update (triennial transition 4/1/2020-3/31/2021; and on-line for facilities); operations streamlining; CE Audits to resume (CPE monitor, with follow up for apparent deficiencies); inspections; AG lawsuit discovery MOU; Assignment of GC, NMAG office; cannabis regulation act 2021; Staff update – Executive Secretary/Administrative Assistant, and State Drug Inspector, Heather Marquez May 16<sup>th</sup>
- i) Board administrative attachment to RLD
- j) PMP update (DOH contract, Rx Check integration; PMP website update; Terms and Conditions; hosting contract; quarterly reports to boards; provider feedback reports – outstanding), process streamlining – PMP registration and training

**7. 12:30 p.m. – 1:00 p.m. Recess for Lunch**

**8. 1:00 p.m. Monitored Treatment Program Report\* Annual and Regular Report**

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**9. Litigation Update\*:** *(May be heard at any time during the meeting)*

- a) El Ranchito de los Ninos & The Ranches
- b) Kenneth Cooper RP 6912, Las Cruces Apothecary PH 3866, Case 2018-079P

**10. Case Presentations\*:** *(May be heard at any time during the meeting)*

Inspector Amparan: 2019-083; 2020-006; 2020-008; 2020-014; 2020-016; 2020-017; 2020-021; 2020-030;

Inspector Han: 2019-052; 2019-062; 2020-005; 2020-009; 2020-013; 2020-015; 2020-020; 2020-026; 2020-029; 2020-034; 2020-035

Inspector Marquez: 2020-042

Inspector Mossberg: 2019-043; 2019-080; 2020-001; 2020-004; 2020-011; 2020-019; 2020-022; 2020-024; 2020-025

Inspector A. Padilla: 2018-051; 2019-057; 2019-069; 2020-012

Inspector B. Padilla: 2019-014; 2019-019; 2019-077; 2019-082; 2019-068; 2019-084; 2020-003; 2019-085

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

- a) 2018-039 Monument Pharmacy, PH 3835 – settlement agreement
- b) 2019-019 voluntary surrender controlled substance registration
- c) 2019-047 NCA/pre-NCA versus administrative closure
- d) 2019-049 NCA/pre-NCA versus administrative closure
- e) 2019-050 NCA/pre-NCA versus administrative closure
- f) 2019-065 Claudia Marechal RP 6344 – pre-NCA settlement agreement
- g) 2020-009 voluntary surrender controlled substance registration
- h) 2020-029 voluntary surrender controlled substance registration
- i) 2020-035 voluntary surrender controlled substance registration

**12. Adjournment:**

**Recess for the day:**

**Friday July 24, 2020**

**1. Procedural Items:**

**9:00 a.m. Reconvene:**

**Roll Call:**

- 2.** *If the meeting agenda items for July 23, 2020 are not finished by 5:00 p.m., the Board will convene on July 24<sup>th</sup> at 9:00 a.m. and continue until finished.*

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