August 26th and 27th, 2013 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

<table>
<thead>
<tr>
<th>CLINIC/HOME HEALTH</th>
<th>CONSULTANTPHARMACIST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 ABQ Health Partners Journal Center Endocrinology</td>
<td>New</td>
</tr>
<tr>
<td>5150 Journal Center Blvd</td>
<td>Gary Gijsbers, R.Ph.</td>
</tr>
<tr>
<td>Albuquerque, NM</td>
<td></td>
</tr>
</tbody>
</table>

| 2 ABQ Health Partners Don Chalmers On-site     | New                |
| 3777 The American Road                         | Gary Gijsbers, R.Ph.|
| Albuquerque, NM 87114                          |                      |

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August 26th & 27th, 2013 Board Meeting

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.

ANIMAL CONTROL
CUSTODIAL/NURSING HOME
CONSULTANT PHARMACIST
Lovelace Respiratory Research Institute
Building 9217 Area Y
Kirtland AFB, NM  87115
New
Bill Weast, R.Ph.

1 Advantage Communication
6305 Santa Domingo
Albuquerque, NM  87120
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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<tr>
<th>Pharmacy/Hospital</th>
<th>New</th>
<th>Remodel</th>
<th>Change of Ownership</th>
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<td>Change of Ownership</td>
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<td>625 Truman Street NE</td>
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<tr>
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</tr>
</tbody>
</table>
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  
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 Rostamnezhad, 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

13 Mizner Pharmacy Inc
104 NE 2nd Street
Boca Raton, FL 33432

14 Northern Rx LLC
2012 E Northwest Highway
Arlington Heights, IL 60004

15 OK Compounding
102 N Broadway
Skiatook, OK 74070

16 PharmBlue LLC
40 Pennwood Place Suite 300
Warrendale, PA 15086

17 PPM Pharmacy
3300 NW 56th Suite 101
Oklahoma City, OK 73112

18 Prime Aid Pharmacy Inc
3915 Bergenline Avenue
Union City, NJ 07087

19 Reliance Specialty Infusion
2920 E Mohawk Lane Suite 114
Phoenix, AZ 85050

20 Select RX LLC
4345 Southpoint Blvd
Warminster, PA 18974

21 Total Care Medical
DBA Topical Rx Pharmacy
2565 Capital Medical Blvd
Tallahassee, FL 32308

22 Transition Pharmacy
4 Neshaminy Interplex Drive Suite 111
Trevose, PA 19053

23 University of Colorado Hospital Atrium Pharmacy
12605 E 16th Avenue Room 1054 MSA027
Aurora, CO 80045

24 Valley Campus Pharmacy Inc
15211 Van Owen Street Suite 301
Van Nuys, CA 91405

New
Tu C Nguyen, R.Ph.

New
Angela Mann, R.Ph.

New
Kenneth Smith, R.Ph.

New
Stacie Miller, R.Ph.

New
Hilary Szczypiorski, R.Ph.

New
R. Allen Martin, R.Ph.

New
Hyum Yu, R.Ph.

New
Jeremy Short, R.Ph.

New
Eric Borell, R.Ph.

New
Wilburn Davis, R.Ph.

New
Michelle Giovannucci, R.Ph.

New
Andrew Davis, R.Ph.

New
Hagop Simityan, R.Ph.
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August 26th & 27th, 2013 Board Meeting
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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August 26th & 27th, 2013 Board Meeting
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 United 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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August 26th & 27th, 2013 Board Meeting
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.


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.

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

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
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Inspector Kesner:  
2013-038/VS  2013-052/close  2013-045/NCA

Inspector A. Padilla:  

Inspector B. Padilla:  
2013-013/NCA  2013-051/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: **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.

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**:


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.

In response to the Walgreen’s Good Faith Dispensing Policy, the final draft is being prepared by Ms. Mendez-Harper, Mr. Cross, Mr. Anderson and Ms. Saavedra. The 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. H(1) are licensing matters, H(2) is limited to personnel matters, H(7) is pending or threatened litigation.

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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.

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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, Ms. Mary Smith asked to address the relationship between RLD and the Pharmacy Board in regards to finances. Ms. Smith stated that RLD is operating in violation of 61-11-19. "All amounts paid into the pharmacy fund shall only be used for the purpose of meeting necessary expenses incurred in the enforcement of the purposes of the Pharmacy Act and any other acts administered by the board."  Section 61-11-19(E): All monies unused and accumulated at the end of the fiscal year shall remain in the pharmacy fund for use in accordance with...the Pharmacy Act.

Ms. Smith suggested that line items from RLD such as “overhead” did not adequately satisfy this statutory requirement describing expenses. She questioned whether RLD could take funds from the pharmacy board account without documentation to the board. She stated that any “shared services” expenses must show outcomes; They must truly be occurring and the volume, time spent, and dollars relevant should be shown. And, that the BOP accounting manager must have access to the SHARE program regarding BOP accounts to ensure compliance with the statutes.

Ms. Smith inquired as to why RLD was restricting the use of board funds to purchase basic office supplies and equipment and why vehicles, continuing education and travel budgeted were not being allowed.

Ms. Smith referred to 9-1-7 NMAC and believes RLD is exceeding its statutory authority with regards to the relationship with the board:

9-1-7. **Administratively attached agency; relationships.**

A. An agency attached to a department for administrative purposes only shall:

   (1) exercise its functions independently of the department and without approval or control of the department;
   (2) submit its budgetary requests through the department; and

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(3) submit reports required of it by law or by the governor through the department.

B. The department to which an agency is attached for administrative purposes only shall:

(1) provide, if mutually agreed, the budgeting, record-keeping and related administrative and clerical assistance to the agency; and

(2) include the agency's budgetary requests, as submitted and without changes, in the departmental budget.

C. Unless otherwise provided by law, the agency shall hire its own personnel in accordance with the Personnel Act [Chapter 10, Article 9 NMSA 1978].


Mr. Danny Cross stated that he will follow-up.

4. Election of Officers:

Motion: Nominate Ms. Mendez-Harper as Secretary. Motion made by Mr. Mazzoni, 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.

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