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## New Mexico Regulation and Licensing Department Board of Pharmacy

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### **EMERGENCY DISPENSING DECLARATION**

Beginning April 10, 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 the following emergency dispensing procedures:

- A. In an emergency where limited access to pharmacies or prescribing health care practitioners interferes with the continuation of patient therapies, the following procedures are authorized to allow patients access to needed medications:

Patients adversely affected by closed or inaccessible pharmacies, or inaccessible prescribing health care practitioners, may visit any New Mexico licensed pharmacy with documentation of the current prescription medications they need dispensed to continue their therapy. This documentation may be prescription containers properly labeled with the prescriber name and address, pharmacy name, drug name, strength, quantity and directions for use. A consumer medication information sheet with the necessary information including directions for use may also be used.

If a pharmacist cannot obtain an authorized prescription (through transfer from the dispensing pharmacy; or prescribing practitioner authorization), the Board authorizes the pharmacist to use their professional judgment to dispense up to a 30-day supply of medication with the following restrictions:

1. No controlled substance medications will be dispensed.
2. The pharmacist makes a new prescription from the information provided.
3. The prescription is dispensed 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.
4. The pharmacist will notify the originating pharmacy and prescriber of the dispensing as soon as practical. Notification may be by e-mail, fax or mail.
5. The pharmacist will maintain documentation of the pharmacy and prescriber notifications and attempts to notify.
6. The pharmacist will document that the prescription was dispensed pursuant to this Emergency Dispensing Declaration.

For the duration of the COVID-19 state of emergency in New Mexico, unless otherwise amended:

- B. In an emergency involving a facility or facilities, where medications are maintained and/or distributed, the Board authorizes the Executive Director at her discretion to:

1. Approve a temporary relocation site when the licensed location cannot be utilized because of natural disasters, contamination, loss of ability to maintain drug storage

- conditions, or other unforeseen occurrences.
2. Approve a temporary new site for the proper storage and/or dispensing or distribution of medications. This could include mobile pharmacies for disaster relief, central warehouse storing of medications for distribution to clinics, hospitals, and pharmacies, or centralized drug storage of state owned drug assets for delivery to temporary distribution sites.
- C. In an emergency involving licensed personnel where decreased staffing of facilities and pharmacies adversely effects patient care, the Board authorizes the Executive Director at her discretion to:
1. Allow technician access to a retail pharmacy and be supervised remotely utilizing appropriate remote tele-pharmacy technologies.
  2. Approve out-of-state licensed pharmacists and/or technicians temporary licensure to work in New Mexico facilities for the emergency period.
  3. Approve temporary registration expiration extensions for in-state technicians to work in New Mexico facilities for the emergency period.

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