NOTICE OF REGULAR BOARD MEETING AND RULE HEARING

The New Mexico Board of Pharmacy will convene on October 22 and 23, 2026 at 9:00 a.m. and continue until finished in the Board of Pharmacy Conference Room located at 5500 San Antonio Dr., NE, Albuquerque, NM 87109 for the purpose of conducting a regular board meeting and rule hearing.

The agenda is posted 72 hours prior to the scheduled meeting. You may view and download a copy of the agenda through the board's website: https://www.rld.nm.gov/pharmacy/pharmacy-board-information/pharmacy-board-meetings/. All proposed language regarding rule hearings is linked to the *Agenda*, the *Notice to the Public* on our website and the *New Mexico Sunshine Portal*.

Individuals petitioning the board regarding requests/waivers must submit documentation for presentation; via fax (505) 222-9845, mail or email to the Board Administrator, at the general e-mail pharmacy.board@rld.nm.gov at least one week in advance of the scheduled meeting.

Interested persons wishing to comment on proposed language regarding rule hearings may submit documentation for presentation prior to the hearing; via fax (505) 222-9845, mail or email to the Board Administrator, at the general e-mail pharmacy.board@rld.nm.gov in advance of the scheduled meeting. Public comment is also allowed during the rule hearing.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, or if you are in need of a translator to attend or participate in the hearing or meeting, please contact Board Administrator at 505-222-9830 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact Board Administrator at 505-222-9830 or e-mail pharmacy.board@rld.nm.gov if a summary or other type of accessible format is needed.

The full text of Proposed Rule Amendments for Rule Hearing on October 22, 2026, at 9:10 a.m. is available for each rule via the hyperlinks below, agenda hyperlinks, and Sunshine Portal notice hyperlinks. If you are unable to access the full text of Proposed Rule Amendments via the links provided, please contact pharmacy.board@rld.nm.gov for a copy.

Short explanation of the Purpose of Proposed Rule Amendments: see below.

16.19.4 NMAC - PHARMACIST

Section 16, responsibilities of pharmacist and pharmacist intern. Subsection B(1) is amended to provide that the pharmacist's final check on a completed prescription need not include physically opening the container to re-confirm the drug, strength, and dosage form where those attributes have been confirmed either (i) by a certified pharmacy technician through technology-assisted product verification under 16.19.22.8 NMAC, or (ii) by an automated filling system for which the pharmacist verification requirements are deemed satisfied under Subsection D of 16.19.6.28 NMAC. In either case, the pharmacist remains responsible for the final check and for the filled prescription.

The purpose of the proposed amendment is to align pharmacist responsibilities with technology-assisted product verification, while preserving the pharmacist's responsibility for the final check.

STATUTORY AUTHORITY: Paragraph (1) of Subsection A of Section 61-11-6 NMSA, 1978 authorizes the board of pharmacy to adopt, regularly review and revise rules and regulations necessary to carry out the provisions of the Pharmacy Act, Sections 61-11-1, 61-11-2, 61-11-4 to 61-11-28 NMSA 1978. Those provisions include the authority to:
A. deny or take disciplinary action with respect to any certificate of registration or license held or applied for under the Pharmacy Act, Section 61-11-20 NMSA 1978;

B. require and establish criteria for continuing education as a condition of renewal of a pharmacist license, Paragraph (4) of Subsection A of Section 61-11-6 NMSA 1978;
C. issue permits or licenses, as defined and limited by board regulation, to nursing homes, industrial and public health clinics and home care services, Paragraph (6) of Subsection A of Section 61-11-6 and 61-11-14 NMSA 1978;
D. provide for the issuance and renewal of licenses for pharmacists, Paragraph (3) of Subsection A of Section 61-11-6, and 61-11-13 NMSA 1978;
E. provide for the registration of pharmacist interns, their certification, annual renewal of certification, training, supervision, and discipline, Paragraph (5) of Subsection A of Section 61-11-6 NMSA 1978; and
F. adopt rules and regulations that establish patient counseling requirements, Paragraph (18) of Subsection A of 61-11-6 NMSA 1978. Under the Pharmacist Prescriptive Authority Act, Sections 61-11B-1 to 61-11B-3 NMSA 1978, the board is required to establish regulations governing certification as a pharmacist clinician. The Impaired Pharmacists Act, Sections 61-11A-1 to 61-11A-8 NMSA 1978, requires the establishment by the board of a plan for treatment and rehabilitation of impaired pharmacists. Subsection B of Section 61-1-36 NMSA 1978 authorizes the board of pharmacy to promulgate rules relating to listing specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction. Subsection B of Section 28-2-3 NMSA 1978 prohibits the board of pharmacy from considering certain criminal records to be used, distributed or disseminated in connection with an application for a license. Section 28-2-4 NMSA 1978 authorizes the board of pharmacy the power to refuse to grant or renew, or suspend or revoke a license where the applicant or licensee has been convicted of a felony and the criminal conviction directly relates to the particular profession and other convictions specified.

https://www.rld.nm.gov/wp-content/uploads/2026/08/Pharm16.019.0004-July-2026.pdf

16.19.11 NMAC – NURSING HOME DRUG CONTROL

Section 1, administrative updates.

Section 3, update statutory citation style and add authority for new section 9.

Section 8, administrative amendments. Remove reference to CDC for recommended vaccines, add consultant pharmacist responsibility for proper transfer and documentation of eligible drug donation, remove language that otherwise duplicated in part 4.

Section 9, add 16.19.11.9 NMAC, Custodial Care Facility – Withdrawal Management. The new section authorizes a licensed custodial care facility that is authorized to provide medically monitored withdrawal management, is under the supervision of a consultant pharmacist, and has nursing staff on-site twenty-four hours per day, three hundred sixty-five days per year, to acquire, stock, maintain, and possess dangerous drugs, including controlled substances in Schedules III–V as limited in the section, for administration for withdrawal management purposes in accordance with Board rules. The section establishes a designated ordering authority for facility-stock drugs, discrepancy and diversion reporting requirements, and disposition requirements upon temporary closure of the facility.

The purpose of the proposed amendment is to establish minimum drug-control standards for custodial care facilities providing medically monitored withdrawal management, including ordering, storage, recordkeeping, and consultant pharmacist oversight.

STATUTORY AUTHORITY: Paragraph (6) of Subsection A of Section 61-11-6 NMSA 1978 authorizes the Board of Pharmacy to license nursing home drug facilities and all places where dangerous drugs are dispensed or administered and to provide for the inspection of their facilities and activities. Paragraph (9) of Subsection B of Section 61-11-14 NMSA 1978 directs the Board to issue drug custodial licenses for licensed nursing homes and to adopt regulations that define and limit those licenses. Section 61-11-31 NMSA 1978 allows custodial care facilities authorized to provide withdrawal management to acquire and possess dangerous drugs and controlled substances in accordance with Board rules.

https://www.rld.nm.gov/wp-content/uploads/2026/08/Pharm16.19.11.9_July-2026.pdf

16.19.20 NMAC – CONTROLLED SUBSTANCES

Section 65 (Schedule I), Section 66 (Schedule II), Section 67 (Schedule III), and Section 68 (Schedule IV) are amended to update the listing of scheduled drugs, including Schedule I opioids and fentanyl-related substances.

The purpose of the proposed amendment is to update the controlled substances schedules to reflect current classifications of scheduled drugs.

STATUTORY AUTHORITY: Section 30-31-11 of the Controlled Substances Act, 30-31-1 through 30-31-42 NMSA 1978, authorizes the board of pharmacy to promulgate regulations and charge reasonable fees for the registration and control of the manufacture, distribution and dispensing of controlled substances. Paragraph (2) of Subsection B of Section 61-11-6 authorizes the board to provide by regulation for the electronic transmission of prescriptions.

https://www.rld.nm.gov/wp-content/uploads/2026/08/Pharm16.19.20_July-2026.pdf

16.19.22 NMAC – PHARMACY TECHNICIANS AND SUPPORT PERSONNEL

Section 7, definitions. Add definitions of "electronic verification system" and "technology-assisted product verification," and renumber the remaining definitions accordingly.

Section 8, permissible activities. Add Subsection B authorizing a certified pharmacy technician to perform technology-assisted product verification under the direct supervision of a pharmacist and without the exercise of professional judgment, confirming only that the drug, strength, and dosage form in the bottle or packaged prescription vessel match the drug on the label and on the prescription. The amendment conditions this activity on, among other requirements, a pharmacist being physically present onsite, the technician having accrued not less than one thousand hours of experience as a certified pharmacy technician and having completed pharmacist-in-charge-approved training, use of an electronic verification system, exclusions for controlled substances (absent specified inventory controls), cytotoxic products, and compounded preparations, and a quality assurance plan that includes daily random pharmacist testing of not less than two percent of prescriptions verified under the subsection. The supervising pharmacist remains responsible for the final check and for the filled prescription.

Section 11, improper activities of pharmacy technicians. Amend Subsection A to reflect that, where a certified pharmacy technician has completed technology-assisted product verification, the pharmacist's final check need not include physically opening the container to re-confirm the drug, strength, and dosage form so verified.

The purpose of the proposed amendment is to authorize and establish safeguards for technology-assisted product verification by certified pharmacy technicians.

STATUTORY AUTHORITY: Subsection A of Section 61-11-6 NMSA 1978 authorizes the Board of Pharmacy to register and regulate the qualifications, training, and permissible activities of pharmacy technicians.

https://www.rld.nm.gov/wp-content/uploads/2026/08/Pharm16.19.22_NMAC_July-2026.pdf

16.19.34 NMAC – PRESCRIPTION DRUG DONATIONS

Section 8, procedures. In Subsection B (storage), add that an eligible recipient practitioner may only store drugs at the board-registered address, which may not be a mobile or home address. In Subsection D (redistribution), add that a practitioner may not redistribute donated prescription drugs to themselves, and add that redistributed drugs will be provided to the patient with information on side effects, interactions, and precautions concerning the drug or device provided, which may be written or supplemented through alternative forms such as written information leaflets, pictogram labels, and video programs.

Section 9, record keeping. Add a subsection governing records for redistributed drugs administered, dispensed, or distributed, requiring that: an eligible recipient practitioner maintain records including the patient's name and date of birth, the drug name, strength, dosage form, quantity, and expiration date, and the date administered, dispensed, or distributed, retained for three years and available for inspection by the Board; an eligible recipient clinic maintain

records as required by federal and state law, including 16.19.10 NMAC; and an eligible recipient pharmacy maintain records as required by federal and state law, including 16.19.6 NMAC. The remaining recordkeeping subsections are relettered accordingly.
The purpose of the proposed amendment is to clarify practitioner storage and self-redistribution limitations, ensure patients receive drug information upon redistribution, and establish recordkeeping requirements for redistributed drugs.

STATUTORY AUTHORITY: Section 26-1-3.2 of the New Mexico Drug, Device and Cosmetic Act mandates the Board of Pharmacy to establish rules for the safe redistribution of unused prescription drugs.

https://www.rld.nm.gov/wp-content/uploads/2026/08/Pharm16.19.34-July-2026.pdf

Disciplinary Hearing(s):

Thursday October 22, 2026, 9:45 a.m. until 12:35 p.m. or until finished, CasaPharma Rx, unlicensed, case 2026-015

Friday October 23, 2026, 9:10 a.m. until finished, Mike Gallegos RP00006838, Complete Care Pharmacy LLC d/b/a Corrales Pharmacy PH00004048, case 2024-051

If additional scheduling occurs, the final hearing date and time for each case will be included in the agenda posted to the board's website at least 72 hours before the meeting.

Executive Director's Report:

Published in NM Register: September 9, 2026
Published in Albuquerque Journal: September 9, 2026