JUNE 2023

NEW MEXICO BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Significant Adverse Drug Events

1. A 65-year-old female patient was given a new prescription for levothyroxine 25 mcg but was provided levothyroxine 75 mcg by the dispensing pharmacy. The error was noticed by the pharmacist while processing the third refill of the prescription. After taking the medication for approximately two months, the patient did not report any unusual effects from the increased dose. When the prescriber was made aware of the error, the dose was increased from what was originally prescribed. The pharmacist attributes the error to a break in process; the pharmacist did not reopen the bag during consultation. The pharmacist-in-charge (PIC) also indicated that staff may have been in a hurry since the prescription was sold near closing time. The pharmacist recommends utilizing a "show-and-tell" method during consultation to mitigate this type of error from reoccurring in the future.

2. A 71-year-old male patient with type 2 diabetes was prescribed Onglyza® 5 mg tablets but was given olanzapine 5 mg by the dispensing pharmacy. After taking the medication for approximately 90 days, the prescriber contacted the pharmacy out of concern that the patient's blood sugars were not being managed correctly and the error was discovered at that time. The PIC believes that short staffing contributed to the error, stating that product review was completed by a contracted central processing agency pharmacist who assists when the pharmacy is busy. The pharmacy has since discontinued outside verification by the contracted central pharmacy and is fully staffed.

Disclaimer: These suggestions are made by the pharmacist submitting the Significant Adverse Drug Event

National Pharmacy Compliance News

A Service of the National Association of Boards of Pharmacy Foundation (NABPF)

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Report. The publication of recommendations is not an indication of endorsement by the New Mexico Board of Pharmacy.

Regulatory Updates

- 16.19.10 New Mexico Administrative Code (NMAC) – Limited Drug Clinics. Subsection T of Section 11 is clarified by specifying that supplying of methadone is pouring and labeling the take-home dose.

- 16.19.20 NMAC – Controlled Substances. Section 41, removal of reference to DATA-waived practitioner. Section 65, addition of numerous substances to Schedule I: opioids (renumber fentanyl-related substances, add several fentanyl analogs and other opioids); add substances to opium derivatives, depressants, and hallucinogens sections. Section 66, add substances to opioids section. Section 68, add brexanolone (depressant); deschedule fenfluramine. Add substances to stimulants and other substances section. Section 69, add substances to depressants section. All additions are for the purposes of aligning part 20 with federal Drug Enforcement Administration (DEA) schedules, including emergency scheduling actions. Bromazolam has not been federally scheduled, however, the Board is proposing placement in Schedule I. Bromazolam is expected to have similar actual or relative abuse, pharmacological effect, and potential to produce psychic or physiological dependence liability similar to the other benzodiazepines that were added to Schedule I by DEA under emergency scheduling in December 2022. In addition, the Board has received reports indicative of abuse in New Mexico (forensic laboratory findings of bromazolam in tablets bearing markings of alprazolam and in fentanyl tablets). Central nervous system depressants, if ingested with opioids, can significantly increase the risk of overdose death.

- The protocol and training outline for pharmacist prescribing in conjunction with point-of-care testing for the coronavirus disease 2019, Group A *Streptococcus,* and influenza was approved. Training is expected to be available in late June or early July and will be offered by the New Mexico Pharmacists Association.

- Senate Bill 92 – Amendments to the Pharmacy Act, New Mexico Statutes annotated 61-11. Amended the practice of pharmacy definition to include prescribing of devices or supplies for prescribed drug therapy for health conditions, and the ordering, performing, and interpreting of Food and Drug Administration-approved and Clinical Laboratory Improvement Amendments of 1988-waived tests. Added provision for prescribing in conjunction with said tests, including uncomplicated urinary tract infection and pre-exposure prophylaxis of human immunodeficiency virus. Prescribing will be pursuant to protocol approved by the Board of Pharmacy and the New Mexico Medical Board. Effective July 1, 2023.

- House Bill 201 – The sunset provision for the Board of Pharmacy was eliminated. Effective July 1, 2023.

Disciplinary Actions

The Board took the following action during the January 2023 and April 2023 meetings:

Ernest Dole – RP0005548, PC00000009, CS00209872. Voluntary surrender. The Board accepted the voluntary surrender of respondent's pharmacist, controlled substance (CS), and pharmacist clinician registrations.

Kwadwo Sarfo Kantanka – RP00008786. Settlement agreement. The respondent agreed to the following terms:

- pharmacist license is suspended for 30 days upon acceptance of the agreement;
- must pass the Multistate Pharmacy Jurisprudence Examination® within six months;
- must complete 12 hours of continuing pharmacy education in the area of ethics within 90 days;
- complete a probationary period of five years;
- may not serve as a PIC or consultant pharmacist in New Mexico; and
- may not own or operate a facility required to be licensed by the Board.

Ashley Powell – RP00009401. Settlement agreement. The Board approved the following terms:

- must continue enrollment with the New Mexico Health Professional Wellness Program (NMHPWP) and meet all requirements of NMHPWP;
- notify any potential employers of the existence of this agreement;
- notify NMHPWP and the Board 30 days prior to departure if planning to reside outside of New Mexico; and
- pay investigative costs of $1,800.

Desiree Reyes – Technician applicant. Default denial. This application was denied by default as the respondent did not request a hearing. Respondent must also pay a fine of $500 within 90 days.

ValueMed, dba PharMerica – PH00002982. Settlement agreement. The Board approved the following terms:

- must implement a corrective action plan within 30 days; and
- pay investigative costs of $400 and a fine of $1,000 within 30 days.

Nicole Vargas – PT00002661. Settlement agreement. The Board approved the following terms:

- must successfully complete and obtain clearance from NMHPWP as "fit for duty;"
- notify any potential employers of the existence of this agreement; and

- notify NMHPWP and the Board 30 days prior to departure if planning to reside outside of New Mexico.

Gabrielle Vigil – PT00015484. Voluntary surrender. The Board accepted the voluntary surrender of respondent's technician registration. Respondent must also pay for investigative costs in the amount of $250 within 90 days.

Tom White – RP00003712, PC00000204, CS00217864. Settlement agreement. The Board approved the following terms:

- must maintain documentation containing evidence-based standards for each diagnosis relating to prescriptions;
- respondent's patient records are open to inspection by the Board;
- five-year probationary period; and
- pay a fine and investigative costs in the amount of $4,100 within 30 days.

2023 Law Update Schedule

Upcoming Albuquerque Pharmacy Law Lecture Dates:

- July 7, 2023

  Webinar. Registration closes on July 5.

- August 4, 2023

  Webinar. Registration closes on August 2.

- September 1, 2023

  Webinar. Registration closes on August 30.

- October 6, 2023

  Webinar. Registration closes on October 4.

- November 3, 2023

  Webinar. Registration closes on November 1.

- December 1, 2023

  Webinar. Registration closes on November 29.

Upcoming Pharmacy Law Lecture Dates (Outside of Albuquerque):

- June 20, 2023

  Webinar for Santa Fe, NM update. Registration closes on June 16.

- August 22, 2023

  Webinar for Roswell, NM update. Registration closes on August 18.

- September 19, 2023

  Webinar for Clovis, NM update. Registration closes on September 15.

- October 24, 2023

  Webinar for Las Vegas, NM update. Registration closes on October 20.

- November 14, 2023

  Webinar for Hobbs, NM update. Registration closes on November 10.

- December 4, 2023

  Webinar for Las Cruces, NM update. Registration closes on November 30.

- December 5, 2023

  Webinar for Las Cruces update. Registration closes on December 1.

The most up-to-date information on review format and the full list of law updates can be found on the Board website.

Reminders

- The Board has continued to receive reports of fraudulent **electronic** prescriptions. Please be diligent when preforming the final check on CS and pay special attention when a CS is being prescribed:
  - by an unfamiliar or an out-of-state practitioner; or
  - for an unfamiliar or out-of-state patient.
- Ensure that you are utilizing the prescription monitoring program as required, and that you are signed up to receive e-alerts from the Board.
- Be sure to submit Adverse Drug Event reports to the Board within **15 days of discovery.** This is required by regulation and could potentially result in disciplinary action if not compliant. This report **must** include an appropriate root cause analysis with recommendation(s) for improvement.

The New Mexico Board of Pharmacy News is published by the New Mexico Board of Pharmacy and the National Association of Boards of Pharmacy Foundation® (NABPF®) to promote compliance of pharmacy and drug law. The opinions and views expressed in this publication do not necessarily reflect the official views, opinions, or policies of NABPF or the Board unless expressly so stated.

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