



NEW MEXICO BOARD OF PHARMACY

newsletter to promote pharmacy and drug law compliance

Significant Adverse Drug Events

- 1) A 60-year-old female patient requested a Shingrix vaccine but instead received Comirnaty®. According to the pharmacist-in-charge, the technician misheard the patient's request for Shingrix and flu as "COVID and flu." The pharmacist did verify with the patient that she would be receiving the COVID-19 and flu vaccine prior to administration. After an unspecified amount of time, the patient reported bothersome ringing in her ear, after which the error was discovered by the pharmacy. Going forward, the pharmacist recommends asking the patient what they expect to receive instead of verifying what has already been prepared.
- 2) A 66-year-old male patient attempted to pick up a refill of venlafaxine hydrochloride extended-release 150 mg capsules but was given omeprazole 40 mg capsules by the dispensing pharmacy. After taking the incorrect medication for an unspecified amount of time, the patient experienced stomach pain, hypertension, and withdrawal. The pharmacist attributes the error to similar-looking capsules that were checked using camera (Eyecon) technology. The pharmacist recommends requiring a scan/picture of the manufacturer bottle to check the National Drug Code in addition to checking capsules.
- 3) A 69-year-old female patient attempted to pick up 148 tablets of carbidopa/levodopa but claims the pharmacy provided her with 168 tablets of hydroxyzine instead. After taking the medication for an unspecified amount of time, the patient reported experiencing

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increased anxiety, panic attacks, and trouble breathing. The pharmacy questioned the error since it was not brought in until three months after the fill date, it contained more tablets than the label called for, and the perpetual counts of both medications in the pharmacy were exactly as expected when audited. The pharmacist indicated that procedure may not have been followed with regard to scanning/picture technology because the pharmacy could not pull up the image of the medication taken during the final check.

Disclaimer: These suggestions are made by the pharmacist submitting the Significant Adverse Drug Event Report. The publication of recommendations is not an indication of endorsement by the New Mexico Board of Pharmacy.

Regulation Update

During the April 2024 meeting, the Board approved the following rule updates:

- **16.19.1 New Mexico Administrative Code (NMAC) – General Provisions** – Sections 1, 3, and 9 had administrative updates. Section 6 removed reference to surety bonds. Section 8 updated meeting location to include virtual and removed requirement that the majority of the Board request a waiver for alternate meeting location. Removed obsolete reference to Board-specified location for examinations. Section 11 updated registry requirement for pharmacists and pharmacist interns; the online license look-up satisfies the requirement. Removed obsolete registry language.
- **16.19.2 NMAC – Examinations** – Sections 1, 3, and 6 had administrative updates. Section 7 defined abbreviations. Section 8 incorporated defined abbreviations and specified that the passing score for two licensure examinations is set by the National Association of Boards of Pharmacy® (NABP®). In Section 9, a candidate may not take either the North American Pharmacist Licensure Examination® or Multistate Pharmacy Jurisprudence Examination® (MPJE®) more than four consecutive times without passing, and the time limit is three years from the first exam attempt. This is a decrease from five consecutive times, and the time limit is new. Section 10 removed agreement of licensure requirement. Section 13 requires a current photograph (decreased from two) and removal of requirement that the back of the photograph be signed and dated. Section 14 removed obsolete examination and extraneous language. Increased from one to two years the period of inactivity after which a pharmacist must take the jurisprudence examination and meet additional requirements.
- **16.19.3 NMAC – Reciprocity** – Sections 1 and 8 had administrative updates. In Sections 9 and 10, language regarding ineligibility is moved to the applicant ineligible (from eligibility) section, redundant subsection is removed, and the period of inactivity after which a pharmacist must take the MPJE and meet additional requirements is

increased from one to two years. Section 11 replaced specified passing score with language that applicant must pass the MPJE prior to license issuance. Subsection B had an administrative update. In Subsection C, a candidate may not take the MPJE more than four consecutive times without passing, and the time limit is three years from the first exam attempt (decrease from five times and time limit is new). Section 12 requires a current photograph (decreased from two) and removed requirement that the back be signed and dated. Section 13 updated evidence of qualifications, removed language regarding ineligibility for licensure if the Board does not find the applicant to be competent and qualified to function as a pharmacist (the Board requires education, experience, qualifications, and license examinations, rather than individualized competency assessments, per se). Language regarding good moral character is removed and reference to 16.19.4.8 (gross immorality) replaces pharmacy, liquor, narcotic, or drug laws. Section 14, pending indictment or alleged violations, is updated with reference to 16.19.4.8 replacing pharmacy, liquor, narcotic, or drug laws. In Section 15, temporary license is replaced with expedited license provisions to allow up to one year to pass the MPJE and waive license fee for military service members. Requirement that the licensing agency in each state submit a statement of good standing is removed (the Board receives a report from NABP for each reciprocity applicant, which includes all pharmacist licenses, by state and standing). In new Section 16, military service members and their spouses who relocate to New Mexico because of military service orders may be issued an expedited license without taking the MPJE for the duration of such orders.

- **16.19.4 NMAC – Pharmacist** – Section 7, definitions – approved continuing education (CE) provider is redesignated as accredited provider, with corresponding subsequent updates. “Dangerous drug” definition is updated to include additional statements from statute, obsolete definition is removed, and additional administrative updates were made. Sections 9 and 10 had administrative updates. Removed open book test and reference to providing law programs in each pharmacy district (the law updates are now provided virtually, and all sessions are open to licensees). Section 11 had administrative updates. In Section 12, impaired pharmacist is changed to impaired licensee or registrant and applies to applicants for licensure or registration. The procedures are updated and reference to intervention and treatment removed. The disciplinary sanctions paragraph is updated and clarified. Confidentiality and civil immunity citations are updated. In Section 15, inactive status, the time after which a pharmacist license becomes inactive is increased from one to two years, with a corresponding update to requirements when applying for active status. Section 16 had administrative updates. In Section 17, pharmacist clinician CE requirement changed from 20 live hours to 20 total, 10 of which are live, and administrative updates were made.

- **16.19.6 NMAC – Pharmacies** – Section 30, repackaging and distribution – amended to allow a contracted pharmacy to provide appropriately labeled and packaged medication to a correctional facility for an inmate upon release to avoid interruption in prescribed treatment.
- **16.19.11 NMAC – Nursing Home Drug Control** – In Section 7, definition of licensed custodial care facility is updated.
- **16.19.12 NMAC – Fees** – Section 9 is reworded to make it clearer that the waiver of registration fee is for change of duty location to New Mexico. Section 13, roster of board of pharmacy facility license fee is removed.

Disciplinary Actions

The Board took the following actions during the January and April 2024 meetings:

Franchesca Coffey – Technician applicant. Issuance of registration.

The respondent agreed to disclose the following to her current employer and all prospective and future employers for positions that require a pharmacy technician registration or Board licensure:

- A copy of the order
- Disclosure of her complete arrest and conviction history
- Disclosure of her personal history of addiction

Sarah Higgins, DVM – CS00227604. Voluntary surrender. The Board accepted the voluntary surrender of respondent’s controlled substance (CS) registration. Respondent agreed not to apply or reapply for a CS registration. Respondent also agreed not to engage in any activity requiring Board CS registration. Lastly, the respondent agreed to pay the cost of investigation of \$1,050.

Sarah Sasek – PT00008872. Settlement agreement. The Board approved the following terms: Respondent must complete a New Mexico Health Professional Wellness Program (NMHPWP) contract.

Tsabetsaye Helgers – PT00017745. Settlement agreement. The Board approved the following terms: Respondent must complete an NMHPWP contract.

Christine Honeyestewa – PT00016299. Settlement agreement. The Board approved the following terms: Respondent must complete an NMHPWP contract.

Christopher Rogers – PT00010474. Voluntary surrender. The Board accepted the voluntary surrender of respondent’s technician registration.

Shania Buckinghorse – IN00004477. Voluntary surrender. The Board accepted the voluntary surrender of respondent's intern registration.

Bao Nguyen – IN00004435. Voluntary surrender. The Board accepted the voluntary surrender of respondent's intern registration.

Vince Quiroz – IN00004428. Voluntary surrender. The Board accepted the voluntary surrender of respondent's intern registration.

Amber Price – PT00017376. Voluntary surrender. The Board accepted the voluntary surrender of respondent's technician registration.

2024 Law Update Schedule

Please contact the Board at least a week prior to a Board-sponsored law update (via email at pharmacy.board@rld.nm.gov) to reserve your spot and register so that you can receive CE credit for the law update. Please include your name, pharmacist license number, the date and time of the session you wish to attend, and your contact information in the message. The Albuquerque area law updates will be held by webinar. In 2024, the Board will hold one law update on the first Friday of each month from 2-4 PM. If you wish to attend a pharmacy law update that is sponsored by the New Mexico Pharmacists Association (NMPHA) or the New Mexico Society of Health-System Pharmacists (NMSHP), please contact the organizations directly to reserve your spot. Please note that the dates and times for the NMPHA- or NMSHP-sponsored law updates vary.

Upcoming Pharmacy Law Lecture Dates:

- June 7, 2024
Webinar. Registration closes on June 5.
- July 5, 2024
Webinar. Registration closes on July 3.
- July 30, 2024
Alamogordo area webinar. Registration closes on July 26.
- August 2, 2024
Webinar. Registration closes on July 31.
- August 13, 2024
Roswell area webinar. Registration closes on August 9.

- September 6, 2024
Webinar. Registration closes on September 4.
- September 17, 2024
Carlsbad area webinar. Registration closes on September 13.
- October 4, 2024
Webinar. Registration closes on October 3.
- November 1, 2024
Webinar. Registration closes on October 30.
- November 19, 2024
Las Cruces area webinar. Registration closes on November 15.
- December 6, 2024
Webinar. Registration closes on December 3.

* Remember, the law update hosted by the Board, while presented at no charge, does not have an Accreditation Council for Pharmacy Education number and is not reported to CPE Monitor®. *

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.

Alejandro Amparan, RPh - State News Editor

Lemrey "Al" Carter, PharmD, MS, RPh - National News Editor & Executive Editor

Megan Pellegrini - Publications and Editorial Manager

5500 San Antonio Dr NE, Suite C | Albuquerque, NM 87109 |
Tel: 505/222-9830 Fax: 505/222-9845 In-State Only Toll Free: 1-800/565-9102 |
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