

NEW MEXICO BOARD OF PHARMACY

Newsletter to Promote Pharmacy
and Drug Law Compliance.

Significant Adverse Drug Event

None were reported since the last newsletter.

Note From NABP: FDA Grants DSCSA Exemption to Connected Trading Partners

On October 9, 2024, Food and Drug Administration (FDA) announced that it has granted an **exemption** from the enhanced drug distribution security requirements of Section 582 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) for eligible trading partners. While NABP is still evaluating the exemption, the following information highlights its critical components:

- **Who is affected:** Trading partners who have **initiated their systems and electronic data connections**, but who still face challenges with missing, incomplete, or inaccurate data.
- **What is exempted:** Key interoperable Drug Supply

Chain Security Act (DSCSA) requirements that were part of the previous stabilization period, like exchanging transaction information and statements electronically, including product identifiers at the package level and certain verification request requirements.

- **Timeline:**
 - **For manufacturers and repackagers**, exemptions last from November 27, 2024, until **May 27, 2025**.
 - **For wholesalers**, exemptions are granted until **August 27, 2025**.

*Access the National
Pharmacy Compliance News*

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



Note From NABP: FDA Grants DSCSA Exemption to Connected Trading Partners

(continued)

- **For dispensers with 26 or more full-time employees**, the exemption period extends until **November 27, 2025**.
- **Scope:** These exemptions apply to specific requirements under Section 582(g)(1) of the FD&C Act. **Other existing DSCSA obligations remain in effect.** Notably, trading partners who have **not yet initiated** the required systems are **not** covered by these exemptions.

Moreover, the four operational imperatives that NABP has been emphasizing are still required and in effect:

- 1) Know your prescription drug suppliers (sources).
- 2) Know where your product tracing, also known as transaction information (data), is being stored and how to access it.
- 3) Know what a suspect product is, how to identify

it, how to investigate it, and what to do if it is deemed illegitimate.

- 4) Develop, update, and adhere to robust prescription drug purchasing policies and procedures that accurately reflect your internal processes.

Rule Updates

During the October New Mexico Board of Pharmacy meeting, the following rule update was approved:

16.19.4 New Mexico Administrative Code – Pharmacist
– Sections 7 and 9 added “standard of care” to definitions and “failure to meet standard

of care” to the definition of unprofessional or dishonorable conduct. As proposed, “standard of care” means care provided by a licensee within the accepted standard of care provided in the same or similar setting by a reasonably competent and prudent licensee or registrant

with similar education, training, and experience. The proposed change will enable the Board to regulate based on a contemporary construct consistent with advances in pharmacy practice, rather than circumstance-specific rules.



Disciplinary Actions

The Board took the following actions during its July and October meetings:

Cecilia Gillespie, PT00018074. Stipulated agreement. Respondent shall contract with the New Mexico Health Professional Wellness Program (NMHPWP) and obtain

clearance before working as a pharmacy technician.

Trans Aero MedEvac, CL00011534, CS00231706; CL00011392, CS00228275; CL00011244, CS00225939; CL00012001, CS02322591. Pre-Notice of Contemplated Action

Disciplinary Actions

(continued)

(NCA) settlement agreement. Licenses are on probation for three years. Respondent will ensure the consultant pharmacist conducts quarterly visits, ensure there are procedures and systems in place to prevent and detect controlled substance diversion, and pay a fine of \$1,750 within 90 days.

Lowell Kirk Irby, RP00004822. Pre-NCA settlement agreement. Respondent shall fulfill all responsibilities as a consultant pharmacist for every facility the

respondent serves, in accordance with applicable rules.

Mesilla Valley Pharmacy, PH00004754. Pre-NCA settlement agreement. Respondent shall implement a corrective action plan addressing error prevention, compounding policies, procedures, and training and pay a \$5,000 fine within 90 days.

Marcus Reid, PT00008685. Reject pre-NCA. Summary suspension of pharmacy technician registration for NMHPWP noncompliance.

Jacoby Thompson, PT00017856. Summary suspension of pharmacy technician registration for NMHPWP noncompliance.

Ashley Seferina Maestas. Pharmacy technician applicant, default denial.

August Martin, RP00006165. Summary suspension of pharmacist license for NMHPWP noncompliance.



2025 Pharmacy Law Update: Monthly Webinars, 2-4 PM

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. 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.

*Remember, the law update given 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 Board law updates will be held by webinar. Registration is open to

licensees regardless of their area of residence. In 2025, the Board will hold a law update on the first Friday of each month from 2-4 PM, except for July, which will be held on July 11, 2025, due to the Fourth of July holiday.

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.

2025 Pharmacy Law Update: Monthly Webinars, 2-4 PM (cont)

The following 2025 law webinars are scheduled:

- Date: January 3, 2025
Registration deadline: December 30, 2024.
- Date: February 7, 2025
Registration deadline: February 5.
- Date: March 7, 2025
Registration deadline: March 5.
- Date: April 4, 2025
Registration deadline: April 2.
- Date: May 2, 2025
Registration deadline: April 30.
- Date: June 6, 2025
Registration deadline: June 4.
- Date: July 11, 2025
Registration deadline: July 9.
- Date: August 1, 2025
Registration deadline: July 30.
- Date: September 5, 2025
Registration deadline: September 3.
- Date: October 3, 2025
Registration deadline: October 1.
- Date: November 7, 2025
Registration deadline: November 5.

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.

*NM Board of Pharmacy staff - 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 |
<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/pharmacy>**
