

This is an amendment to 16.19.3 NMAC, Section 1, 8, 9, 10, 11, 12, 13, 14 and 15, and new section 16, effective 5/07/2024

16.19.3.1 ISSUING AGENCY: [~~Regulation and Licensing Department~~] Board of Pharmacy [~~;~~ Albuquerque, NM.]
[02-15-96; 16.19.3.1 NMAC - Rn, 16 NMAC 19.3.1, 03-30-02; A, 01-31-07; A, 10-19-16; A, 5/07/2024]

16.19.3.8 RECIPROCAL LICENSURE: Reciprocal licensure shall be granted to those persons licensed by examination as a licensed pharmacist in other states or territories of the United States which grant reciprocal privileges to persons licensed as pharmacists by examination in New Mexico. An applicant must be a graduate of an approved college of pharmacy and have completed required intern training or have worked one year as a licensed pharmacist in the state in which the applicant has licensure by examination.
[08-27-90; 16.19.3.8 NMAC - Rn, 16 NMAC 19.3.8, 03-30-02; A, 10-19-16; A, 5/07/2024]

16.19.3.9 APPLICANT INELIGIBLE:

A. An applicant shall be deemed to be ineligible to reciprocate if licensure in the state of examination is not current; or if the pharmacist has worked less than one year or internship requirements at the time of examination, did not meet New Mexico's internship requirements.

B. [~~An applicant who has not been active in pharmacy for a period of one year or more, shall be required to complete such internship as the board shall deem necessary. The internship period shall be a minimum of 60 hours for each year inactive. The applicant shall be required to successfully complete the North American pharmacist licensure examination (NAPLEX) or multi-state pharmacy jurisprudence examination (MPJE).] An applicant who qualifies for and acquired a license in a state that does not grant reciprocal privileges with New Mexico shall be deemed ineligible for reciprocal licensure.
[08-27-90; 16.19.3.9 NMAC - Rn, 16 NMAC 19.3.9, 03-30-02; A, 10-19-16; A, 5/07/2024]~~

16.19.3.10 [~~LICENSURE REINSTATEMENT~~] REINSTATEMENT OF RECIPROCITY LICENSE, ELIGIBILITY: [~~An applicant who qualifies for and acquired a license in a state that does not grant reciprocal privileges with New Mexico shall be deemed ineligible for reciprocal licensure.]~~

A. An applicant must have current pharmacist licensure in the state in which the applicant has licensed by examination.

B. If an applicant has not been active in the area of pharmacy practice for greater than [~~one year~~] two years but less than [~~five~~] six years, the pharmacist candidate shall complete the following:

- (1) submit renewal form;
- (2) pay past renewal fees and reinstatement fees;
- (3) submit proof of continuing education for each inactive renewal period;
- (4) submit proof of completed internship a minimum of 60 hours for each year of inactivity;
- (5) successfully complete the Multistate Pharmacy Jurisprudence Examination (MPJE); and
- (6) submit a current letter of good standing from the state of examination.

C. In lieu of past renewal fees, reinstatement fees and proof of continuing education, an inactive pharmacist shall successfully complete the internship minimum of 60 hours for each year of inactivity, and successfully pass the North American Pharmacist Licensure Examination (NAPLEX) and the MPJE.

D. If a pharmacist has not been active in the area of pharmacy practice for six years or more, the pharmacist candidate shall:

- (1) complete the internship minimum of 60 hours for each year of inactivity; and
- (2) successfully pass the NAPLEX and the MPJE.

[08-27-90; 16.19.3.10 NMAC - Rn, 16 NMAC 19.3.10, 03-30-02; A, 10-19-16; A, 5/07/2024]

16.19.3.11 JURISPRUDENCE EXAMINATION:

A. An applicant for reciprocity will be required to submit all paperwork required for reciprocity, and take and pass the MPJE [~~and shall make a score of not less than seventy five percent~~] prior to issuance of a license.

B. Failure to [~~appear and~~] take the [~~jurisprudence examination~~] MPJE within one year after the application is received shall nullify the application and a refund of fees will not be made.

C. Upon submittal of the proper application and fee, a candidate may repeat the MPJE. A candidate shall take the MPJE no more than ~~five~~ four consecutive times without passing, and the time limit is three years from the first exam attempt. Failure to finish the examination is counted as an attempt. Candidates who fail or do not complete the MPJE shall wait a period of at least 30 days prior to retaking the examination. [07-28-91; 16.19.3.11 NMAC - Rn, 16 NMAC 19.3.11, 03-30-02; A, 10-19-16; A, 5/07/2024]

16.19.3.12 PHOTO REQUIRED: Each applicant for licensure shall furnish ~~two permanent photographs~~ a current photograph, head and shoulders only, approximately 3 x 4 inches ~~and signed and dated on the back~~. [07-28-91; 16.19.3.12 NMAC - Rn, 16 NMAC 19.3.12, 03-30-02; A, 10-19-16; A, 5/07/2024]

16.19.3.13 EVIDENCE OF QUALIFICATIONS: The New Mexico board of pharmacy shall deem an applicant ineligible to be licensed by reciprocity if the application that ~~he~~ they ~~submits~~ submit fails to furnish evidence:

A. that the license which applicant acquired by examination in the state from which ~~he applies~~ they apply is in good standing;

B. that applicant completed the NAPLEX examination with a passing score;

~~C. that the applicant is, in fact, competent and qualified to function as a pharmacist;~~

~~D.~~ C. that applicant is ~~of good moral character and is~~ not addicted to the use of alcohol, narcotic or hypnotic drugs;

~~E.~~ D. that the applicant has not been charged with, convicted, fined or had ~~his~~ their license suspended or revoked for violation ~~of pharmacy, liquor, narcotic or drug~~ laws pursuant to the provisions of 16.19.4.8 NMAC. [08-27-90; 16.19.3.13 NMAC - Rn, 16 NMAC 19.3.13, 03-30-02; A, 10-19-16; A, 5/07/2024]

16.19.3.14 PENDING INDICTMENT OR ALLEGED VIOLATIONS: An applicant ~~shall~~ may be ineligible for reciprocal licensure if there is pending an indictment or alleged violation of any ~~pharmacy, liquor, narcotic or drug laws or has been convicted of a felony within five years prior to application~~ law pursuant to the provisions of 16.19.4.8 NMAC.

[08-27-90; 16.19.3.14 NMAC - Rn, 16 NMAC 19.3.14, 03-30-02; A, 10-19-16; A, 5/07/2024]

16.19.3.15 [TEMPORARY] EXPEDITED LICENSE:

A. Definitions as used in this section.

(1) "expedited license" is a one-year provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board;

(2) "military service member" means a person who is:

(a) serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard;

(b) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member's death was serving on active duty; or

(c) the child of a military service member if the child is also a dependent of that person for federal income tax purposes.

(3) "veteran" means a person who has received an honorable discharge or separation from military service of the United States.

B. Alternative licensing procedure. An applicant for expedited licensure who meets all the requirements of this part may be granted a provisional license by reciprocity after completing the National Association of Boards of Pharmacy (NABP) application for pharmacist license by reciprocity (license transfer program application) and submitting an application for pharmacist license by reciprocity to the board, but prior to taking and passing the NM MPJE.

~~A.~~ C. Persons who provide acceptable evidence of being currently licensed by examination under the laws of other states in the United States and the District of Columbia, shall be authorized to practice pharmacy for a period of ~~90 days~~ one year from the date of expedited license issuance after ~~on~~ receipt of a complete application in proper form and ~~a \$50.00 fee which will go towards the eventual licensing fee~~ license fee as outlined in 16.19.12 NMAC. ~~Persons must become duly licensed in this state within 90 days. The licensing agency in each state in which the applicant holds or has held a license shall submit a statement to the board confirming the applicant to be or have been in good standing in that state.~~

~~[B.]~~ D. ~~[The temporary licensee shall not act as the pharmacist in charge (unless there is no other pharmacist in the designated facility), a preceptor, or supervisor of interns or externs.] Expedited licenses will be issued no more than 30 days after a complete application meeting all requirements for licensure is received by the board.~~

~~[C.]~~ E. The ~~[temporary]~~ expedited licensee shall be subject to discipline in the same manner as those holding a full license, and shall be subject to immediate suspension upon reasonable evidence of false or incorrect statements in the documents submitted or if found not to be in good standing in other states.

~~[D.]~~ F. The ~~[temporary]~~ expedited license shall not be renewed or extended as a provisional license except as allowed by Section 16 of this Part. Before the end of the expedited license term and upon application, a board may renew the license as a regular license after applicant passes the NM MPJE.

G. Military service members, including a spouse, dependent, and veteran, are exempt from the initial license fee and initial license renewal fee paid to the board set forth in 16.19.12 NMAC, and must provide documentation of eligibility:

(1) For a military service member, a copy of the service member's military orders.

(2) For a spouse of a military service member, a copy of the service member's military orders and a copy of the marriage license.

(3) For a spouse of a deceased military service member, a copy of the decedent's DD 214 and a copy of marriage license.

(4) For dependent children of military service members, a copy of military service members orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service federal tax return, or other governmental or judicial documentation establishing dependency.

(5) For veterans, retired or separated, proof of honorable discharge, a copy of DD 214, DD 215, DD 265, DD 257, NGB 22, military ID card, a state-issued driver's license or identification card with veteran's designation, a veteran ID card (VIC) issued by the U.S Department of Veteran's Affairs, or other official documentation verifying the veteran's honorable discharge from military service.

[16.19.3.15 NMAC - N, 01-31-07; A, 10-19-16; A, 5/07/2024]

16.19.3.16 PORTABILITY OF PHARMACIST LICENSE, SERVICE MEMBERS AND SPOUSES:

Service members, as defined in 50 USC § 3911, and their spouses who relocate residency to New Mexico because of military orders for military service, may apply for and be issued a provisional pharmacist license by reciprocity, without taking the NM MPJE, during the duration of such military orders if the:

A. license is in good standing with the authority that issued it;

B. license was actively used during the two years immediately preceding the relocation;

C. applicant meets the requirements of this part and completes the NABP application for pharmacist license by reciprocity and submits an application for pharmacist license by reciprocity to the board;

D. applicant provides documentation of eligibility and a copy of such military orders to the board;

E. applicant remains in good standing with:

(1) the licensing authority that issued the covered license; and

(2) every other licensing authority that has issued to the service member or the spouse of a service member a pharmacist license;

F. applicant submits to the authority of the board for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

[16.19.3.16 NMAC - N, 5/07/2024]