

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 16 ADMINISTERING, PRESCRIBING AND DISTRIBUTION OF MEDICATION

16.10.16.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.10.16.1 NMAC - Rp 16 NMAC 10.16.1, 7/15/01; A, 7/22/08]

16.10.16.2 SCOPE: This part applies to physician assistants and their supervising physicians.
[16.10.16.2 NMAC - Rp 16 NMAC 10.16.2, 7/15/01]

16.10.16.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Medical Practice Act, sections 61-6-1 through 61-6-35 NMSA 1978.
[16.10.16.3 NMAC - Rp 16 NMAC 10.16.3, 7/15/01]

16.10.16.4 DURATION: Permanent
[16.10.16.4 NMAC - Rp 16 NMAC 10.16.4, 7/15/01]

16.10.16.5 EFFECTIVE DATE: July 15, 2001 unless a later date is cited at the end of a section.
[16.10.16.5 NMAC - Rp 16 NMAC 10.16.5, 7/15/01]

16.10.16.6 OBJECTIVE: This part sets forth the manner in which a physician assistant may administer, prescribe and distribute dangerous drugs.
[16.10.16.6 NMAC - Rp 16 NMAC 10.16.6, 7/15/01]

16.10.16.7 DEFINITIONS:

A. "Prescribe" means to issue an order individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, bearing the name and address of the prescriber, license classification, the name and address of the patient, the name of the drug prescribed, direction for use and the date of issue.

B. "Administer" means to apply a prepackaged drug directly to the body of a patient by any means.

C. "Compounding" ~~the preparation, mixing, assembling, or packaging, or labeling of a drug or device (reconstitution of commercial products for administration and not for dispensing is not considered compounding for purposes of this part).~~

C. "Dispense" means to deliver a drug directly to a patient and includes the ~~compounding, labeling and~~ repackaging of a drug from a bulk or original container.

D. "Distribute" means to administer or supply to a patient under the direct care of the distributing physician assistant one or more doses of drugs prepackaged by a licensed pharmacist and excludes the compounding or repackaging from a bulk or original container.

~~**E. "Formulary"** means any dangerous drugs; including Schedule II-V controlled substances, physician assistants may use in the care of patients where there is an established physician or physician assistant patient relationship.~~

F. D. "Established physician or physician assistant-patient relationship" means a relationship between a ~~physician or~~ physician assistant and a patient that is for the purpose of maintaining the patient's well-being. At a minimum, this relationship is established by an interactive encounter between patient and ~~physician or~~ physician assistant involving an appropriate history and physical or mental status examination sufficient to make a diagnosis and to provide, prescribe or recommend treatment, with the informed consent from the patient and availability of the ~~physician or~~ physician assistant or coverage for the patient for appropriate follow-up care. A medical record must be generated by the encounter.

~~**G. "Licensed physician"** means a medical doctor licensed under the Medical Practice Act to practice medicine in New Mexico.~~

H. E. "Physician assistant" means a health professional who is licensed by the board to practice as a physician assistant and who provides services to patients under the supervision and direction of a licensed physician.
[16.10.16.7 NMAC - Rp 16 NMAC 10.16.7, 7/15/01; A, 7/22/08; A, 1/1/09]

16.10.16.8 ADMINISTERING, ~~DISTRIBUTING~~ AND PRESCRIBING DANGEROUS DRUGS

A. Physician assistants may prescribe, dispense, distribute and administer ~~formulary~~ drugs; including Schedule II-V controlled substances, where there is an established ~~physician or physician assistant-patient relationship, under the direction of the supervising physician.~~ Physician assistants must comply with all other state and federal laws regulating the administration, distribution, and prescribing of dangerous drugs and controlled substances

B. Physician assistants may not compound drugs. ~~prescribe formulary drugs; including Schedule II-V controlled substances, where there is an established physician or physician assistant-patient relationship, under the direction of the supervising physician, and may telephone prescriptions to pharmacies for any drug they are authorized to prescribe.~~

C. Physician assistants may prescribe on a prescription pad that shall contain the following:
————— (1) the name, business address and telephone number of the supervising physician;
————— (2) the name, title and New Mexico license number of the physician assistant;
————— (3) if the signature line is without MD, PA, or PA-C printed after it, the PA or PA-C must add the designation "PA" or "PA-C" at the end of the signature line when signing a prescription; if the PA or PA-C must of necessity use a prescription pre-printed with "MD" at the end of the line, the designation "MD" must be clearly crossed out and "PA" or "PA-C" must be added;
————— (4) when the physician assistant leaves the supervision or employ of the supervising physician, or there is a change in the supervising or alternate physicians, the supervising physician shall immediately notify the board.

Physician assistants may dispense non-controlled substance medications.

[~~16.10.16.8 NMAC - Rp 16 NMAC 10.16.8, 7/15/01; A, 7/22/08; A, 1/1/09~~]

16.10.16.9 ~~DISTRIBUTION OF MEDICATIONS~~ LIMITATIONS

A. ~~It must be clear to the physician and to the physician assistant that the intent of the legislature and of the board is that a physician assistant is not to function as a pharmacist in the general sense of that licensee's duties. Dispensing, as defined by statute and this document, is not a physician assistant's job and is prohibited. Distribution of a limited supply of medication to facilitate the medical needs of a patient may be done by a physician assistant under the direction of the supervising physician. Physician assistants may distribute dangerous drugs where there is an established physician or physician assistant-patient relationship; including Schedule II-V controlled substances. Dispensing of a limited supply of non-controlled substances to facilitate the medical needs of a patient may be done by a physician assistant. Dispensing of a controlled substance by a physician assistant is prohibited.~~

~~**B.** Distribution of a medication shall be restricted to medications repackaged by a licensed pharmacist or a pharmaceutical manufacturer or re-packer. Physician assistants may request, receive and sign for professional sample medications and may distribute sample medications to patients. A log must be kept of distributed medications in accordance with board of pharmacy regulations. Samples requested/received would be appropriate to the scope of the supervising physician's practice and would be consistent with board of pharmacy regulations. Physician Assistants may not compound a drug or device (reconstitution of commercial products is not considered compounding for purposes of this part).~~

~~**C.** Any medication distributed to a patient will be properly labeled with the following: patient name, date of issue, drug name and strength, instructions for use, drug expiration date, number distributed, name of prescriber, address and phone number of prescriber, and pharmacist or manufacturer/repackager identification;~~

~~**D.** Labeling may be via hand-written or pre-printed fill-in labels. The above information shall also be properly documented in the patient's medical record, including the amount of medication provided.~~

[~~16.10.16.9 NMAC - Rp 16 NMAC 10.16.9, 7/15/01; A, 7/22/08; A, 1/1/09~~]

HISTORY OF 16.10.16 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

NMBME Rule 79-15, Rules and Regulations Pertaining to Physicians' Assistants, filed 10/4/79

86-2, Physicians Assistants, filed, 2/5/86

89-PA7, Physician Assistant-Administering and Prescribing Dangerous Drugs Other Than Controlled Substances, 6/16/89

89-PA 8, Physician Assistant- Distribution of Medications, filed 6/16/89.

PA Rule 7, Physician Assistant-Administering and Prescribing Dangerous Drugs, filed 10/27/94
PA Rule 8, Physician Assistants - Distribution of Medications, filed 10/27/94

NMAC History:

16 NMAC 10.16, Administering, Prescribing and Distribution of Medications, filed 3/5/97

History of the Repealed Material:

16 NMAC 10.16, Administering, Prescribing and Distribution of Medications - Repealed, 7/15/01