This is an amendment to 16.19.22 NMAC, Sections 7, 8, and 11 effective 11/17/2026.

16.19.22.7 DEFINITIONS:

A. "Direct supervision" means that the pharmacist onsite shall observe and direct to a degree sufficient to assure the accurate completion of the activities of the pharmacy technicians and must provide a final check of all aspects of the prepared product and document the final check before dispensing.

B. "Electronic verification system" means bar code verification, radio frequency identification (RFID), QR code scanning, or a similar electronic process that accurately verifies that a medication has been correctly selected.

[~~B.~~] **C. "Indirect supervision"** means that the pharmacist offsite shall observe via live surveillance cameras and direct pharmacy activity remotely via remote tele-pharmacy communication technology to a degree sufficient to assure the accurate completion of the activities of the pharmacy technicians and must provide a final check of all aspects of the prepared product and document the final check before dispensing.

[~~C.~~] **D. "Pharmacy technician"** means a person who, under the supervision of a licensed pharmacist, performs repetitive tasks not requiring the professional judgment of a pharmacist. This includes assisting in various technical activities associated with the preparation and distribution of medications.

(1) "Certified pharmacy technician" means a pharmacy technician who has completed the training and certification outlined in 16.19.22.9 NMAC, completed a board approved certification exam, is registered by the board of pharmacy and maintains current board approved certification.

(2) "Non-certified pharmacy technician" means a pharmacy technician who is in the process of completing the training and education outlined in 16.19.22.9 NMAC and is registered by the board of pharmacy.

(3) "Remote pharmacy technician" means a certified pharmacy technician who meets the special requirements for indirect supervision at a remote dispensing site as specified in the board of pharmacy tele-pharmacy regulations.

[~~D.~~] **E. "Prescription drug"** means and human drug required by federal or state law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503(b) of the Federal Food, Drug and Cosmetic Act.

[~~E.~~] **F. "Professional judgment"** means a cognitive process, by a licensed professional, that takes education, experience, current primary literature and current standards of practice into consideration when drawing conclusions and reaching decisions.

[~~F.~~] **G. "Stocking"** means placing prescription drugs on pharmacy shelf, in bin or dispensing technology system.

[~~G.~~] **H. "Supervision"** means that the pharmacist shall observe and direct to a sufficient degree to assure the accurate completion of the activities of the pharmacy technicians and must provide a final check of all aspects of the prepared product and document the final check before dispensing.

[~~H.~~] **I. "Support personnel"** means pharmacy personnel other than pharmacy technicians, which may include clerks, secretary's and delivery personnel, who under the supervision of a pharmacist, may perform duties associated with the practice of pharmacy, excluding the direct processing and filling of prescriptions, stocking prescription drugs, in sites that do not utilize a barcode verification, electronic verification or similar verification process to ensure correct selection of medication or duties restricted to only a pharmacist, pharmacist intern, or pharmacy technician.

[~~I.~~] **J. "Technician training sponsor"** means pharmacist-in-charge, pharmacist or designated administrator at a pharmacy technician training program who assumes responsibility for training and duties performed by a non-certified technician.

K. "Technology-assisted product verification" means the confirmation by a certified pharmacy technician, performed with the use of an electronic verification system and without the exercise of professional judgment, that the drug, strength, and dosage form in the bottle or packaged prescription vessel match the drug on the label and on the prescription. Technology-assisted product verification is limited to confirmation of the drug, strength, and dosage form, and does not relieve the pharmacist of the final check required by Paragraph (2) of Subsection A of 16.19.22.11 NMAC.

[16.19.22.7 NMAC - Rp, 16 NMAC 19.22.7, 6/27/2001; A, 11/15/2010; A, 11-27-11; A, 6/29/2013; A, 11/17/2026]

16.19.22.8 PERMISSIBLE ACTIVITIES:

A. Pharmacy technician activities under the direct supervision of a pharmacist shall be limited to tasks enumerated in policies and procedures implemented by the pharmacist-in-charge that do not require professional judgment.

B. A certified pharmacy technician may perform technology-assisted product verification, as defined in 16.19.22.7 NMAC, under the direct supervision of a pharmacist and without the exercise of professional judgment, confirming only that the drug, strength, and dosage form in the bottle or packaged prescription vessel match the drug on the label and on the prescription. The supervising pharmacist remains responsible for the final check required by Paragraph (2) of Subsection A of 16.19.22.11 NMAC and for the filled prescription; where a certified pharmacy technician has completed technology-assisted product verification, the pharmacist is not required to physically open the container to re-confirm the drug, strength, and dosage form so verified. A certified pharmacy technician may perform technology-assisted product verification only when all the following are met:

(1) the pharmacist providing direct supervision, using the pharmacist's professional judgment, has determined that the certified pharmacy technician may perform technology-assisted product verification; the decision to delegate rests solely with the supervising pharmacist, who is responsible for it and may withdraw it at any time;

(2) a pharmacist is physically present onsite and provides direct supervision at the time the verification is performed; technology-assisted product verification shall not be performed under indirect supervision, by a remote pharmacy technician, or at a remote dispensing site;

(3) the verification is performed using an electronic verification system;

(4) the certified pharmacy technician has accrued not less than one thousand hours of experience as a certified pharmacy technician and has completed pharmacist-in-charge approved training specific to technology-assisted product verification and to the electronic verification system used, before performing technology-assisted product verification;

(5) before the technology-assisted product verification is performed, a pharmacist performs the prospective drug regimen review, verifies the accuracy of the prescription or medication order information; the identity of the verifying pharmacist is recorded in the pharmacy's records;

(6) the product verified is not a controlled substance unless there are operational electronic inventory monitoring controls (perpetual inventory, at least daily reconciliation, automatic discrepancy alerts) to timely detect and identify and provide alerts of inventory discrepancies; is not systemically administered cytotoxic (ineligible products must be flagged and blocked by the electronic verification or dispensing system); and is not a sterile or nonsterile compounded preparation; and

(7) the pharmacist-in-charge implements policies and procedures and an ongoing quality assurance plan governing technology-assisted product verification, to monitor the accuracy and effectiveness of technology assisted product verification and identify opportunities for process improvement and be documented and retained in the pharmacy's records.

[16.19.22.8 NMAC - Rp, 16 NMAC 19.22.8, 6/27/2001; A, 11/15/2010; A, 11/17/2026]

16.19.22.11 IMPROPER ACTIVITIES OF PHARMACY TECHNICIANS:

A. The supervising pharmacist and the pharmacist-in-charge are responsible for the actions of pharmacy technicians. Performance of tasks by the pharmacy technician and support personnel outside the limits of the regulations that are authorized by the supervising pharmacist shall constitute unprofessional conduct on the part of the pharmacist and the pharmacist-in-charge.

(1) The following responsibilities require the use of professional judgment and therefore shall be performed only by a pharmacist or pharmacist intern:

(a) receipt of all new verbal prescription orders and reduction to writing;

(b) evaluation and interpretation of the prescription order and any necessary clinical clarification prior to dispensing;

(c) clinical consultation with a patient or his agent regarding a prescription or over-the-counter drug;

(d) evaluation of available clinical data in patient medication record system;

(e) oral communication with the patient or patient's agent of information, as defined in the section under patient counseling, in order to improve therapy by ensuring proper use of drugs and devices;

(f) professional consultation with the prescriber, the prescriber's agent, or any other health care professional or authorized agent regarding a patient and any medical information pertaining to the prescription.

(2) Only a pharmacist shall perform the following duties:

(a) final check on all aspects of the completed prescription including sterile products and cytotoxic preparations, and assumption of the responsibility for the filled prescription, including, but not limited to, appropriateness of dose, accuracy of drug, strength, labeling, verification of ingredients and proper container; except that, as provided in 16.19.22.8 NMAC, where a certified pharmacy technician has completed technology-assisted product verification, the pharmacist final check need not include physically opening the container to re-confirm the drug, strength, and dosage form so verified, and the pharmacist remains responsible for the final check and for the filled prescription;

(b) evaluation of pharmaceuticals for formulary selection within the facility;

(c) supervision of all pharmacy technicians and support personnel activities including preparations, mixing, assembling, packaging, labeling and storage of medication;

(d) ensure the pharmacy technicians and support personnel have been properly trained for the duties they may perform;

(e) any verbal communication with a patient or patient's representative regarding a change in drug therapy or performing therapeutic interchanges (i.e. drugs with similar effects in specific therapeutic categories); this does not apply to substitution of generic equivalents;

(f) any other duty required of a pharmacist by any federal or state law.

B. In accordance with Section 61-11-20 NMSA 1978 a pharmacy technicians registration may be revoked, denied, or suspended for grounds stated in Subsection A of Section 61-11-20 NMSA 1978.

[16.19.22.11 NMAC - Rp, 16 NMAC 19.22.11, 6/27/2001; A, 11/15/2010; A, 11/17/2026]