



## New Mexico

### State-Specific Controlled Substance Requirements Checklist

Updated 6/23/23

<b>Biennial Inventory (DEA):</b>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. <a href="#">[21 CFR 1304.11]</a></p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p>
<b>Annual Inventory (NM):</b>	<p>The annual inventory date shall be <b>May 1 or on the registrant's regular general physical inventory date</b>, provided that set alternate annual inventory date. <b>The actual taking of the inventory should not vary more than four days.</b> <a href="#">N.M. Code R. § 16.19.20.20</a></p>
<b>CE:</b>	<p><u>Veterinarian</u>: 15 hours every 1 year          General medicine topics: 5 hours if approved by national and state associations          Management topics: 5 hours allowed          Formal meetings: 4 hours allowed with scientific presentations          Online study: 7.5 hours allowed          Other: 7 hours allowed on alternative veterinary medicine</p> <p><u>Veterinarian Tech</u>: 8 hours every 1 year          General medicine topics: 8 seminars or courses if approved by national and state associations          Online courses: 4 hours allowed</p> <p><b>Veterinarians are exempt from the CE requirement starting June 27, 2023, for all DEA-registered practitioners to complete 8 hours on treating and managing patients with opioid or other substance use disorders, including the appropriate clinical use of all FDA-approved drugs for the treatment of a substance use disorder, one-time only.</b></p> <p>The licensees shall maintain their CE records for <b>a minimum of four years.</b></p>
<b>Compounding:</b>	<p>"8.2.10 Compounding of a controlled substance by a practitioner is permitted as long as the United States Pharmacopoeia (USP) 795 and 797 standards and guidelines are followed." <a href="#">24 Del. Admin. Code § 8.0</a></p> <p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><u>NM Compounding</u>:</p>



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	<p><u>compounding</u>" means preparing, mixing, assembling, packaging or labeling a drug or device as the result of a licensed practitioner's prescription or for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale or dispensing. "</p> <p>(4) Compounding veterinary preparations.</p> <p>(a) Preparations for animals may be compounded based on an order or prescription from a duly authorized veterinarian.</p> <p>(b) These preparations are to be handled and filled the same as the human prescriptions.</p> <p>(c) Compounding of drugs for animals must be in accordance with the Animal Medicinal Drug Use Clarification Act of 1994 or successor Act.</p> <p>(d) A licensed pharmacy may compound veterinary drug preparations in reasonable quantities, in accordance with Paragraph (5) of Subsection DDD of 16.19.8.7 NMAC to be used by veterinarians in their office for administration to patients ("office use preparations").</p> <p>(e) Compounded office use preparations may be dispensed by a veterinarian to clients only under the following conditions:</p> <ul style="list-style-type: none"> <li>(i) a valid veterinarian client patient relationship exists;</li> <li>(ii) the patient has an emergency condition that the compounded drug is necessary to treat;</li> <li>(iii) dispensed amount is for use in a single course of treatment, not to exceed a 120-hour supply;</li> <li>(iv) timely access to a compounding pharmacy is not available; and</li> <li>(v) the medication is not a controlled substance;</li> </ul> <p>(f) Compounded controlled substance veterinary office use preparations may be distributed by a pharmacy under the following conditions:</p> <ul style="list-style-type: none"> <li>(i) the preparation is not readily available from an outsourcing facility;</li> <li>(ii) ordering and distribution occur in compliance with applicable state and federal law;</li> <li>(iii) the pharmacy shall be registered with the DEA as a manufacturer; and</li> <li>(iv) in addition to other required labeling, such preparations shall bear a statement "For administration only. Not for dispensing or resale."</li> </ul> <p>(g) Prohibition on wholesaling:</p> <ul style="list-style-type: none"> <li>(i) Office use preparations will not be distributed by a person other than the pharmacy that compounded such veterinary drug preparations.</li> <li>(ii) This does not prohibit administration or dispensing pursuant to a prescription drug order executed in accordance with federal and state law; and the conditions of this Paragraph (4).</li> </ul> <p>(h) Providing samples of compounded veterinary preparations is prohibited.</p> <p><a href="#">N.M. Code R. § 16.19.30.9</a></p>
<b>Dispensing:</b>	<p><u>labeling.</u></p> <p>(1) The dispensing pharmacy shall place on the prescription label the name and address or name and pharmacy license number of the pharmacy dispensing the prescription and the name and address of the pharmacy which receives the dispensed prescription;</p> <p>(2) The dispensing pharmacy shall indicate in some manner which pharmacy dispensed the prescription (e.g., filled by ABC pharmacy for XYZ pharmacy); and comply with all other prescription labeling requirements. <a href="#">N.M. Code R. § 16.19.6.25</a></p>
<b>Diversion Reporting:</b>	<p>The registered supplier shall be responsible for reporting in-transit losses of controlled substances by a common carrier or contract carrier selected by the supplier upon discovery of such loss or theft. Registrant shall complete DEA form 106 as required and furnish a copy to the board of pharmacy.</p> <p>B. A significant loss or theft of a controlled substance shall be reported in writing to the board of pharmacy and DEA on form 106 as required by federal regulations. "Significant loss" includes suspected diversions, in-transit losses or any other unexplained loss and <b>must be reported to the board of pharmacy within five days of becoming aware of that loss.</b></p> <p><a href="#">N.M. Code R. § 16.19.20.36</a></p> <p><a href="#">Theft or Loss Notification Form</a></p>
<b>Euthanasia:</b>	<p>Euthanasia may be performed by licensed veterinarians and euthanasia technicians licensed by the board</p>



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<b>Ownership:</b>	Non-veterinarian ownership is allowed but a licensed veterinarian is required to be on the clinic/hospital premises permit as the licensee responsible for the clinic.
<b>Power of Attorney:</b>	The POA must be signed in the presence of a notary public to be valid. New Mexico law does not require a POA to be witnessed, but witnesses may strengthen the validity of the document if it is challenged.
<b>Prescribing:</b>	<p>"<u>Prescriber</u>" means a licensed practitioner who generates a prescription order and assumes responsibility for the content of the prescription.</p> <p>A. All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner. Information on the prescription may be added or clarified by the pharmacist after consultation with the practitioner. A practitioner may sign a paper prescription in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). Where an oral order is not permitted, paper prescriptions must be written with ink or indelible pencil, typewriter, or printed on a computer printer and shall be manually signed by the practitioner. A computer-generated prescription that is printed out or faxed by the practitioner must be manually signed.</p> <p>B. Electronic prescriptions shall be created and signed using an application that meets the requirements of Part 1311 of the Code of Federal Regulations. An individual practitioner may sign and transmit electronic prescriptions for controlled substances in a manner that meets all of the requirements of Part 1306.08 of the Code of Federal Regulations.</p> <p><a href="#">N.M. Code R. § 16.19.20.42</a></p> <p><u>E-prescribing</u>: <b>veterinarians exempt</b> from the e-prescribing mandate for all controlled substances on April 1, 2021.</p>
<b>PMP:</b>	<b>Veterinarians are exempt</b> from the New Mexico PMP since 2014.
<b>Premises Permit:</b>	Undefined.
<b>Recordkeeping:</b>	<u>patient records including controlled substance records</u> : New Mexico requires patient records to be kept for <b>four years</b> after the last patient visit.
<b>State-Scheduled CS's:</b>	N/A
<b>State CS License:</b>	New Mexico <b>does require</b> DEA registrant practitioners to obtain a second state controlled substance license prior to a DEA registration to practice in New Mexico. <a href="#">Practitioner's Controlled Substance Registration Application</a>
<b>Supervision:</b>	<p>"<u>direct supervision</u>" means the treatment of animals on the direction, order or prescription of a licensed veterinarian who is available on the premises and who has established a valid veterinarian-client-patient relationship.</p> <p>Non-licensed individuals are prohibited from practicing veterinary medicine which includes but is not limited to chiropractic, physical therapy, acupuncture, acupressure, homeopathy, therapeutic massage, dentistry, embryo transfer or any other related services on animals as defined in NMSA 1978, Section 61-14-2(B)(1), <u>except under the direct supervision of a New Mexico-licensed veterinarian</u>.</p> <p>A. <u>Direct supervision</u> includes the following:</p> <ol style="list-style-type: none"> <li>(1) the licensed veterinarian must have established a valid veterinarian-client-patient relationship;</li> <li>(2) the treatment must be performed on the order of a licensed veterinarian;</li> <li>(3) the licensed veterinarian must be on the premises and readily available;</li> </ol>



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	<p>(4) the licensed veterinarian must assume liability for the quality of any treatment performed; and          (5) the fee for services rendered shall be paid to the licensed veterinarian or licensed facility.  <a href="#">N.M. Code R. § 16.25.9.20</a></p>
<b>Telemedicine:</b>	Where telemedicine occurs is not defined. No existing laws.
<b>Veterinary Professional License:</b>	A veterinarian's license expires and is due for renewal <b>each year on the last day of their birth month.</b>
<b>VCPR:</b>	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p>The New Mexico Veterinary Practice Act defines a "<u>valid veterinarian-client-patient relationship</u>" (VCPR) to exist when:</p> <p>(1) the veterinarian has assumed responsibility for making medical judgments regarding the health of an animal being treated and the need for and the course of the animal's medical treatment; (2) the client has agreed to follow the instructions of the veterinarian; (3) the veterinarian is sufficiently acquainted with an animal being treated, whether through examination of the animal or timely visits to the animal's habitat for purposes of assessing the condition in which the animal is kept, to be capable of making a preliminary or general diagnosis of the medical condition of the animal being treated; and (4) the veterinarian is reasonably available for follow-up treatment" (<a href="#">NMSA, § 61-14-2.N</a>)</p> <p>"A valid VCP must be established when delivering veterinary care. See VCPR as defined by the New Mexico Veterinary Practice Act 61-14-2 -J (1), (2), (3), and (4)" <a href="#">N.M. Code R. § 16.25.9.8</a></p> <p>" A VCPR cannot be established by telephonic, computer, internet or other electronic communications; however, a New Mexico-licensed veterinarian may provide or arrange for consulting services for their clients using the described electronic communication methods." <a href="#">N.M. Code R. § 16.25.9.8</a></p>

### Information and Resources

**FEDERAL:**

Drug Enforcement Administration, El Paso Division  
 660 Mesa Hills Drive  
 Suite 2000  
 El Paso, TX 79912  
 Phone: (915) 832-6000

**Albuquerque DEA Office**

301 Doctor Martin Luther King Junior Avenue Northeast  
 Albuquerque, New Mexico, 87102  
 Phone: 505-346-7419

**Las Cruces New Mexico DEA Office**

2290 East Griggs Avenue  
 Las Cruces, New Mexico, 88001  
 Phone: 575-526-0630



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Federal Law: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

#### **STATE:**

New Mexico Board of Veterinary Medicine website: <https://www.nmbvm.org>

New Mexico Board of Pharmacy website: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/pharmacy/>