

Opinion No. 55-6237

July 26, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Troy Caviness, Secretary, New Mexico Board of Pharmacy, Loving, New Mexico

We have your letter of the 14th of July requesting an opinion as to whether you may refuse to accept qualifying experience gained in New York or California, to come within the provisions of Chapter 292, Laws 1955, since you do not reciprocate in any way with these two states.

The important part of Chapter 292, Laws of 1955, reads as follows:

"Exemption from requirement of graduation from a college of pharmacy is granted those . . . who have been actually and actively engaged for at least ten years in compounding, dispensing and selling drugs and prescriptions in a duly licensed retail pharmacy, at least one year of which shall have been in the State of New Mexico under the immediate personal supervision of a licensed registered pharmacist in good standing with the New Mexico Board of Pharmacy;"

It is our opinion that the only qualifications of this section are as follows:

- (a) There must be ten years total experience;
- (b) The experience must be in compounding, dispensing and selling drugs and prescriptions;
- (c) The experience must be gained in **a duly licensed retail pharmacy;**
- (d) One year of the ten must be in New Mexico under the **immediate personal supervision of a licensed registered pharmacist** in good standing with the New Mexico Board.

Since there are no other limitations set forth in this statute, we are of the opinion that if the experience from the State of New York or California otherwise is proper, that it would have to be accepted under the provisions of this part of the statute. The New Mexico Board of Pharmacy is only given the authority to pass on the question as to whether the offer of experience meets with the standards set forth in the statute. There are no provisions authorizing the Board to pass on the State where the experience is gained except that one year must have been in New Mexico.

Trusting we have answered your questions, we remain

By: Paul L. Billhymer

Assistant Attorney General