

**New Mexico Statewide Standing Order for Registered Pharmacist to Dispense Over the Counter (OTC) COVID-19 At-Home Antigen Test Kits  
Renewed December 23, 2024**

**Section A: Authority**

This standing order authorizes any New Mexico registered pharmacist, in accordance with the conditions of their licensure, to dispense any over the counter (OTC) COVID-19 at home antigen test kits made available under an FDA emergency use authorization (FDA authorized) or FDA approval (FDA approved) to individuals in New Mexico. **This standing order may be used when an individual's insurance would not otherwise cover such a claim submitted under the pharmacist's NPI number or without another prescription.**

The purpose of this standing order is to ensure that those individuals can obtain OTC COVID-19 at-home antigen test kits, and to obtain the tests without any upfront out-of-pocket expenditure by the beneficiary, participant, or the enrollee if the individual has insurance.

This standing order may be used as a valid prescription for individuals physically present in New Mexico, to serve as a prescription for third-party payers, and to ensure increased access to OTC COVID-19 at-home antigen test kits. This standing order does NOT obligate the New Mexico Department of Health to cover the cost of the test in the event that a claim is denied or an individual does not have insurance.

**Section B: Purpose**

This standing order is intended to increase access to OTC COVID-19 at-home rapid antigen test kits for individuals in New Mexico. Testing for COVID-19 is an important public health intervention that allows for timely disease treatment and implementation of mitigation measures to prevent the spread of SARS-CoV-2.

**Section C: Order and Dispensing Procedures**

1. For billing purposes, pharmacist will collect patient's insurance information necessary to bill insurance for the selected FDA-authorized or FDA-approved OTC COVID-19 at-home antigen test kits.
2. Pharmacy staff should fill out the attached prescription template and utilize it for claims processing.
  - a. Note insurance coverage and dispensing limits of OTC COVID-19 at-home antigen test kits may vary based on policies of individual insurance plans.

**Section C: Prevention of Fraud, Waste and Abuse**

This standing order for an OTC COVID-19 at-home antigen test kit is to be used solely for the individual for whom it is being prescribed. Billing to a health plan for anyone's use other than whose name is on the prescription is not allowed.

In accordance with the Families First Coronavirus Response Act (FFCRA), plans and issuers may act to prevent, detect, and address fraud and abuse. Examples of permissible activities may include the

following: a plan or issuer may take reasonable steps to ensure that an OTC COVID-19 test for which a covered individual seeks coverage under the plan was purchased for the individual's own personal use (or for use by another participant, beneficiary, or enrollee who is covered under the plan or coverage as a member of the individual's family), provided that such steps do not create significant barriers for participants, beneficiaries, and enrollees to obtain these tests. For additional information, please visit: <https://www.dol.gov/sites/dolgov/files/EBSA/about-ebsa/our-activities/resource-center/faqs/aca-part-51.pdf>

#### **Section D: Patient Education**

Prior to dispensing COVID-19 at-home antigen test kits, the pharmacist shall direct the patient to review the manufacturer's instructions for use found in the box or on the following web site:

Fact Sheets and Instructions for Use for Individuals for antigen COVID-19 tests (Located in the Authorization Documents section of the table):

<https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/in-vitro-diagnostics-euas-antigen-diagnostic-tests-sars-cov-2>

The pharmacist may provide anticipatory guidance depending on the need of the patient, guardian/parent, or patient's designated representative. Resources include:

- a. [Self-Testing At Home or Anywhere | CDC](https://www.cdc.gov/coronavirus/2019-ncov/testing/self-testing.html) - <https://www.cdc.gov/coronavirus/2019-ncov/testing/self-testing.html>
- b. Information on control measures to follow if the test result is positive, based on Centers for Disease Control and Prevention (CDC) guidance: [Isolation and Precautions for People with COVID-19 | CDC](#)
- c. NM COVID-19 Call Center: 1-855-600-3453. [NMDOH - Coronavirus Updates | Coronavirus Updates in New Mexico \(nmhealth.org\)](#)

#### **Section E: Results Reporting**

Reporting the results of COVID-19 at-home antigen tests is not required.

#### **Section F: Limits**

This standing order does not establish the New Mexico Department of Health, or its clinicians, or the dispensing pharmacist as the healthcare provider for the individual. Individuals seeking more comprehensive healthcare should see a primary care provider.

This standing order does not expire and shall remain in effect unless revoked or replaced by New Mexico Department of Health. This standing order will be reviewed and updated as needed.

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Date: 12/23/2024

**Hard Copy Prescription/Standing Order for COVID-19 At-Home Antigen Test Kit**

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**DATE:** \_\_\_\_\_

**Patient Name:** \_\_\_\_\_

**DOB:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**COVID-19 Antigen Home Test Kit**

Manufacturer

**Directions:** Use as directed.

**Quantity:** # 1 box

**REFILLS:** PRN

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