

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Minnesota State Board of Pharmacy
(Agency or Board)

Regulation No. Pharm 26 (new)

Subject: Re Examinations

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JAN 29 1974 2:25 pm
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State Jan. 29, 1974

Rev. 9-72

I N D E X

1. Order for hearing
2. Certificate of Resolution of the State Board of Pharmacy
3. Notice of Hearing
4. Proposed Regulations
5. Affidavit of Mailing with Exhibits
6. Certificate of Secretary of State
7. Order Adopting Rules
8. Certificate of Board's Adoption of Rules Resolution
9. Final Proposals (Marked Exhibit A)
10. Statement of Need (Exhibit B)
11. Transcript of Hearing
12. Hearing Exhibits (original copy only)

Adopted

Pharm 26 Re-Examinations. Any applicant who has failed to pass the examinations required by M.S. 151.06 151.07, 151.10 or 151.12, may retake such examination within the next ensuing fourteen months, provided that no applicant who has failed in three examinations shall be permitted to take a further examination, except upon petition setting forth facts acceptable to the board. The applicant shall, at least 30 days before an examination, notify the board in writing of his intentions to re-take the examination, certifying that information furnished on his original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of $50.00, payable to the state treasurer. The board reserves the right to request a full and complete application.

APPROVED AS TO FORM AND LEGALITY
Jan 29 19 74
WARREN SPANNAUS, ATTORNEY GENERAL
BY Walter W Wilcox
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 29 1974 2:15 pm
Arlen I. Erdahl
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JAN 29 1974 3:25pm
BY Eda Staudenmaier
AUTH. SIGNATURE EJ

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Robert T. Stich, Esq., Special Attorney for the Minnesota State Board of Pharmacy do hereby declare that I have examined the attached proposed rules and all related documents and that based upon them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Robert T. Stich
Special Attorney
Minnesota State Board of Pharmacy

Dated: 1-22-74

STATE OF MINNESOTA

COUNTY OF RAMSEY

MINNESOTA STATE BOARD OF PHARMACY

In the Matter of the Proposed Adoption of Regulations of the State Board of Pharmacy

ORDER FOR HEARING

To effectively implement the powers and duties of the State Board of Pharmacy, the said Board deems it necessary to consider adoption of proposed revised Regulation 40 and proposed Regulation 26, copies of which are attached hereto, marked Exhibits "A" and "B" and made a part hereof, pursuant to the authority vested in the said Board by Section 12 of Chapter 937, Laws of 1971.

NOW THEREFORE, IT IS ORDERED this 6th day of December 1972, that a public hearing on the proposed rules set forth in said Exhibits "A" and "B" be held in Room 116B of the Administration Building, Capitol Complex, St. Paul, Minnesota on January 9, 1973, commencing at 9:30 o'clock a.m. and continuing thereafter until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED That notice of the said hearing be given to all of the current members of the Legislature of the State of Minnesota and to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose.

MINNESOTA STATE BOARD OF PHARMACY

By Paul G. Hiring

Its Secretary

CERTIFICATE OF RESOLUTION

OF STATE BOARD OF PHARMACY

I, PAUL G. GRUSSING, do hereby certify that I am the Secretary of the Board of Pharmacy, a Board duly authorized under the laws of the State of Minnesota, and that the following are true, complete and correct copies of Resolutions adopted at a meeting of the Board of Pharmacy duly and properly called and held on the 7th day of January, 1972 and the 26th day of October, 1972 and that all of the members of the said Board were present at said meetings and that the said Resolutions set forth below were passed by a majority vote of the members of the Board, and that the said Resolutions set forth below are also set forth in the Minute Book of the State Board of Pharmacy and have not been rescinded or modified:

January 7, 1972

"The secretary presented a draft of proposed Regulation No. 26 dealing with limitations on the number of times a candidate may take a board examination. The proposal reads as follows:

> "Re-Examinations; Any applicant who has failed to pass the examinations required by M.S. 151.06, 151.07, 151.10, or 151.12, may retake such examination within the next ensuing fourteen months, provided that no applicant who has failed in three examinations shall be permitted to take a further examination. The applicant shall, at least 30 days before an examination, notify the board in writing of his intentions to re-take the examination, certifying that information furnished on his original application education and experience, and shall submit a fee of $50.00 payable to the State Treasurer. The board reserves the right to request a full and complete application."

After a general discussion of the proposal Mr. Seifert moved and Mr. Olson seconded that it be resolved that Paul G. Grussing, Secretary of the Minnesota State Board of Pharmacy, be, and hereby is granted the authority to call a hearing for the purpose of promulgating proposed Regulation Pharm. 26 as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing and notice of hearing as well as appointing a hearing examiner. Motion passed. The secretary was instructed to schedule this hearing only in connection with the next revision of or addition to existing board regulations."

STATE OF MINNESOTA

EXHIBIT "~~B~~" A

COUNTY OF RAMSEY

In the matter of the Proposed Revision

of Rules of Board of Pharmacy

Governing Re-Examination

STATEMENT OF NEED

The above caption rule is a new Rule.

The need to adopt these rules arises because of experiences of the board in finding that on certain occasions, candidates do not apply themselves in preparation for the taking of the examinations.

The rules place a limit on the number of examinations, which a candidate may take, requiring the candidate to prepare himself to be of early benefit to society and himself and without protracted administrative burden upon the board.

STATE OF MINNESOTA

BOARD OF PHARMACY

David Holmstrom

SECRETARY

Acting Secretary

MINNESOTA STATE BOARD OF PHARMACY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption of Regulations of the
State Board of Pharmacy

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1969, Section 15.0412, Subdivision 4, in the above entitled matter in Room 116B, Administration Building, Capitol Complex, St. Paul, Minnesota, on January 9, 1973 commencing at 9:30 A.M., and continuing until all representatives of associations or other interested groups have had an opportunity to be heard concerning the adoption of the proposed regulations by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

A copy of the proposed regulations is attached hereto.

MINNESOTA STATE BOARD OF PHARMACY

By _____
Secretary

PGG/nv
12-7-72

Pharm 26 Re-Examinations. Any applicant who has failed to pass the examinations required by M.S. 151.06, 151.07, 151.10, or 151.12, may retake such examination within the next ensuing fourteen months, provided that no applicant who has failed in three examinations shall be permitted to take a further examination. The applicant shall, at least 30 days before an examination, notify the board in writing of his intentions to re-take the examination, certifying that information furnished on his original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of $50.00, payable to the state treasurer. The board reserves the right to request a full and complete application.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Revision

of Rules of Board of Pharmacy CERTIFICATE

Governing Examinations and Labeling

I hereby certify that the attached 5 sheets constitute the complete list of persons, associations, and other interested groups who as of 4:30 o'clock P.M., this 4th day of December, 1972, have requested pursuant to M.S. 1971, Chapter 15, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Minnesota State Board of Pharmacy

By _____

Secretary

AFFIDAVIT

PAUL G. GRUSSING, being first duly sworn upon oath deposes and says:

1) That he is the secretary of the Minnesota State Board of Pharmacy.

2) That on the 4th day of December, 1972, he went to the Secretary of State's Office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 4th day of December, 1972, in response to the above request, the Secretary of State provided this affiant with such a list, a copy of which is attached hereto, marked Exhibit A and made a part hereof.

4) That on the 7th day of December, 1972, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing marked Exhibit B and made a part hereof, by depositing in the United States mail at said City of St. Paul a true and correct copy thereof together with a copy of the proposed regulations, properly addressed and postage prepaid to all persons and associations set forth in said Exhibit A and also to all of the current members of the Minnesota Legislature.

Paul G. Grussing

Subscribed and sworn to before
me this 15 day of February 1973.

Gladys M. Haskell
Notary Public

GLADYS M. HASKELL
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Comm. Expires Mar. 14, 1974

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA STATE

BOARD OF PHARMACY.

In the matter of the Proposed
Adoption of Rules of the State
Board of Pharmacy.

The above-entitled matter came on for hearing before the Minnesota State Board of Pharmacy on the 9th day of January, 1973, at 9:30 A.M. in the (Administration Building, St. Paul, Minnesota,) after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following: that reciprocity examinations are given twice a year; that some of the candidates do not adequately prepare themselves for the examination on the laws of Minnesota; that it is an administrative hardship to keep the files of these people open indefinitely; and that allowing them three chances to successfully pass the examination is in line with the policy in other professions (i.e. the Bar Exam in law).

STATE OF MINNESOTA

BOARD OF PHARMACY

David Holmstrom

David E. Holmstrom
Secretary

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Paul G. Grussing, do hereby certify that I am secretary of the Board of Pharmacy, a board duly authorized under the laws of the State of Minnesota, and that the following is true, complete, and correct copy of a resolution adopted at a meeting of the Board of Pharmacy duly and properly called and held on the 12th day of April, 1973: that a quorum was present at said meeting; (that a majority of those present voted for the resolution); that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"WHEREAS, a public hearing was held on January 9, 1973, in Room 116B, Administration Building, Capitol Complex, St. Paul, Minnesota, concerning the adoption of a Proposed board Regulation No. 26,

WHEREAS, said public hearing was held after proper notice required by Minnesota Statutes, 1971, Section 15.0412, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, and

WHEREAS, all interested persons were afforded an opportunity at said public hearing to present written and oral data, statements and arguments and

WHEREAS, all interested persons were afforded an opportunity to present further written material, data, arguments and briefs through January 30, 1973, and

WHEREAS, all members of the Minnesota State Board of Pharmacy were in attendance at the said public hearing, and

WHEREAS, Mr. Thomas Berg who was appointed to the board after the hearing has reviewed the transcript of said hearing, and

WHEREAS, all members of the State Board of Pharmacy have considered all of the evidence introduced at the public hearing and the members attending this meeting have considered all of the written material, data, statements, arguments and briefs submitted at the said public hearing, and

WHEREAS, all of the members of the State Board of Pharmacy have determined the need for each of the Rules contained in Exhibit ~~B~~ A attached hereto and made a part thereof, and

WHEREAS, such need has been set forth in a document marked Exhibit B attached hereto and made a part hereof,

NOW THEREFORE,

'BE IT RESOLVED, That the Rules and Regulations marked Exhibit ~~B~~ A attached hereto and made a part hereof be and hereby are approved and adopted pursuant to authority vested in us by M.S. 151.06 and M.S. 151.212, Laws of 1971.

BE IT FURTHER RESOLVED, That Paul G. Grussing be and hereby is authorized to execute a Certificate certifying the passage of this Resolution and he is further directed to submit to the Office of the Attorney General of the State of Minnesota all of the necessary papers, documents and transcripts, for his approval.

Motion passed unanimously."

STATE OF MINNESOTA

BOARD OF PHARMACY

David Holmstrom

SECRETARY

Acting Secretary

EXHIBIT G

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA STATE BOARD OF PHARMACY

ORDER ADOPTING RULES

In the matter of the Proposed Adoption of Rules of the State Board of Pharmacy Governing Re-Examination

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The above-entitled matter came on for hearing before the Board of Pharmacy of the State of Minnesota on the 9th day of January, 1973 at 9:30 a.m. in Room 116B, Administration Building, St. Paul, Minnesota, after proper notice required by M. S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Pharm 26 Re-Examination are adopted this 12th day of April, 1973 pursuant to authority vested in the board by M. S. 151.06, and M. S. 151.212.

STATE OF MINNESOTA

~~BOARD OF P~~HARMACY

David Hofmstrom

SECRETARY

Acting Secretary