

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 27 (new)

Subject: Continuing Education Requirements

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

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Adopted

PHARM 27 CONTINUING EDUCATION REQUIREMENTS

A. Definitions

1. Continuing pharmaceutical education shall include but is not limited to professional post graduate education in any of the following subjects:
   (a) Properties and actions of drugs and drug dosage forms;
   (b) Etiology, characteristics and therapeutics and the disease state;
   (c) Pharmacy practice;
   (d) Legal, psycological, and socio-economic aspects of health care delivery.

2. Accredited program of Continuing Pharmaceutical Education means that a pharmacist must complete as least 25 hours of credit in programs which are accredited by the State Board of Pharmacy.

3. Accredited Programs means those classes, conferences, correspondence study courses, institutes, lectures, professional meetings, programmed learning courses, journal readings, seminars, study groups, or comparable educational activities in continuing pharmaceutical education which are accredited by the State Board of Pharmacy.

B. Requirements for Continuing Pharmaceutical Education. Commencing March 4, 1975, no annual license renewal shall be issued to a pharmacist pursuant to M.S. 151.13 until such pharmacist shall have submitted to the board satisfactory evidence that he has completed an accredited program of Continuing Education during the previous two year period. Thereafter, each pharmacist shall submit such evidence every two years.

C. Accreditation of Programs. Application may be made by any association, corporation, educational institution, organization, or person to have a program designated as an accredited program and shall be made on forms provided by the board. The applicant shall show evidence of an ability to conduct the program and must maintain records of program content and attendence for not less than three years following completion of such program. Applications shall be submitted not less than sixty days prior to the commencement of the program. The board shall assign the number of credit hours to each program and shall accredit or deny accreditation of such application within thirty days of receipt of the application.

D. Revocation or suspension of an accredited program. The board may deny, refuse to renew, revoke, or suspend authorization or accreditation previously furnished to sponsors of an accredited program if the program fails to conform to its application accredited by the board, fails to furnish program content as publicized, or if the sponsor or program violates any provision of Chapter 655, laws of 1973, or this regulation.

E. Hours of Credit.

1. Credit shall be earned on the basis of attendance or, in the case of correspondence courses, completion of a program. Failure to attend or complete an accredited program shall be the only reason for rejecting program credit hours.

2. Credit for an identical program may be given only once to any individual during any reporting period.

F. Credit for a presentation of professional lectures. Pharmacists may apply for credit of presentation of in-service training programs or lectures consisting of subjects included in the definition of Continuing Pharmaceutical Education, however, credit shall not be allowed for the preparation or presentation of programs or lectures for which academic credit may be granted to the pharmacy student. Such pharmacists need not apply for accreditation of the program provided that hours of credit applied for do not exceed the number of hours required to present the in-service training program or lecture, and, further provided that information, such as a class syllabus or lecture manuscript, be made available upon request to document the presentation of the in-service training. Credit for presentation of the in-service training programs or other lectures will be granted only once for any given program or lecture.

G. Advisory Council on Continuing Education. The Advisory Council on Continuing Education shall meet at least quarterly and shall annually elect a chairman and vice chairman from its membership. The secretary of the State Board of Pharmacy shall act as secretariat to the Advisory Council.

H. List of Accredited Programs. The board shall maintain a record of accredited programs including the hours of credit assigned to each program. Such records are to be made available to any registant upon request.

I. Non-accredited programs. Pharmacists may apply for credit for inclusion of programs not previously accredited by the board, provided that the name and address of the program sponsor and all of the information required by the board in compliance with Section C is submitted to the board within 45 days after completing the program. Such programs shall be subject to all of the standards herein provided.

J. Program Promotion. No reference shall be made by a program sponsor in publicizing a program that it is an "accredited program sponsor" or other reference indicating endorsement by the board except as follows: "This program is accredited by the Minnesota State Board of Pharmacy for___ hours of Continuing Education credit."

APPROVED AS TO FORM AND LEGALITY
Jan 29 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Patrick W Leonard
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 2:25 pm
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 Revised Regulations of the State Board of Pharmacy

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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 27, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof, pursuant to the authority vested in the said Board by Sections 1 and 2 of Chapter 655, Laws of 1973.

NOW THEREFORE, IT IS ORDERED this 6th day of October, 1973, that a public hearing on the proposed rules set forth in said Exhibit "A" be held in Room 304 of the Veteran's Service Building, Capitol Complex, St. Paul, Minnesota on November 21, 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 David E. Holmstrom

David E. Holmstrom,
Acting Secretary

Exhibit 1
emp 11/21/73

CERTIFICATE OF RESOLUTION

OF STATE BOARD OF PHARMACY

I, David E. Holmstrom, do hereby certify that I am the Acting Secretary of the Board of Pharmacy, a Board duly authorized under the laws of the State of Minnesota, and that the following is a 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 6th day of October, 1973 and that a quorum of the said Board was present at said meeting and that the said Resolution set forth below was passed by a majority vote of the members of the Board, and that the said Resolution set forth below are also set forth in the Minute Book of the State Board of Pharmacy and has not been rescinded or modified:

October 6, 1973

"The board then discussed the proposed regulation as approved by the Advisory Council on Continuing Education and made several changes which appear in a copy of the proposed regulation which is attached to these minutes.

After a general discussion of the proposal Mr. Olson moved and Mrs. Alcott 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. 27 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."

David E. Holmstrom

David E. Holmstrom
Acting Secretary

Exhibit 2
DMB 11/2/73

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Revision

of Rules of Board of Pharmacy

Governing Continuing Education

STATEMENT OF NEED

The above captioned rule is a new Rule.

The need to adopt these rules arises out of the need to ensure, for the benefit of the public, that the pharmaceutical services, knowledge, and expertise of the practising pharmacist is keeping pace with the rapidly expanding fields of medical technology. Continuing Pharmaceutical Education is one of the best known methods of accomplishinf these ends.

STATE OF MINNESOTA

BOARD OF PHARMACY

David Holmstrom

SECRETARY

MINNESOTA STATE BOARD OF PHARMACY

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed
Adoption of Revised 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. 1971, Section 15.0412, Subdivision 4, in the above entitled matter in Room B, Veteran's Service Building, Capitol Complex, St. Paul, Minnesota, on November 21, 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
10-12-73

PHARM 26 CONTINUING EDUCATION REQUIREMENTS

A. Definitions

1. Continuing Pharmaceutical Education shall include but is not limited to professional post-graduate education in any of the following subjects:

(a) the properties and actions of drugs and drug dosage forms.
(b) etiology, characteristics and therapeutics of the disease state.
(c) pharmacy practice
(d) the legal, psychological, and socio-economic aspects of health care delivery systems.

2. Approved Program Sponsor means any association, corporation, educational institution, organization or person which has been approved by the State Board of Pharmacy to conduct continuing pharmaceutical education programs.

3. Accredited Program of Continuing Pharmaceutical Education means at least 25 hours of credit in approved programs conducted by an approved program sponsor and which are approved by the State Board of Pharmacy.

4. Approved Programs means those classes, conferences, correspondence study courses, institutes, lectures, professional meetings, programmed learning courses, journal readings, seminars, study groups, or comparable educational activities in continuing pharmaceutical education, conducted by an approved program sponsor, and which are approved by the State Board of Pharmacy.

B. Requirement for Continuing Pharmaceutical Education

Commencing March 4, 1975, no annual license renewal shall be issued to a pharmacist pursuant to M.S. 151.13 until such pharmacist shall have submitted to the board satisfactory evidence that he has completed an accredited program of continuing education during the previous two year period. Thereafter, each pharmacist shall submit such evidence every two years.

C. Approval of Program Sponsors. Any association, corporation, educational institution, organization or person may apply to the State Board of Pharmacy on forms provided by the board for initial approval as a program sponsor. Information to be submitted by applicants shall include but need not be limited to:

1. Experience, resources and qualifications in the development, planning, production, and evaluation of continuing pharmaceutical education programs.
2. Capabilities to physically operate continuing education programs.
3. Capabilities to record and maintain attendance records on program participants.

The board shall accept or reject applications by written notice to the applicant within 30 days after receipt of the application. Approved program sponsors shall apply for renewal of their approval biennially 30 days before the biennial anniversary date of their initial approval notice, and shall be required to maintain records of attendance at programs for a period of at least three years.

D. Approval of Programs. Approved program sponsors may obtain approval of particular programs by submitting an application to the Board of Pharmacy on forms provided by the board setting forth thereon the following information:

1. Program title
2. Description of the program
3. Objectives of the program
4. Description of plans for evaluating the achievement of objectives
5. Resources
6. Manner of presentation
7. Program faculty and its qualifications
8. The average number of clock hours required for participants to complete the program.
9. Other information as the board may request

Any such applications shall be submitted to the board not less than 60 days prior to the proposed date for commencement of the program. The board shall assign the number of credit hours to each program and shall accept or deny any such application by written notice to the applicant within 30 days after receipt of the application. Written reasons for denial shall be furnished.

E. Revocation or Suspension of Approval of Program Sponsors or Accredited Programs. The board may deny, refuse to renew, revoke or suspend authorization or approval previously furnished to program sponsors or approved programs if the sponsor or program fails to conform

to its application approved by the board, fails to furnish program content as advertised or if the sponsor or program violates any provision of Chapter 655, Laws of 1973, on this regulation.

F. Hours of Credit

1. Credit shall be earned on the basis of attendance, or, in the case of correspondence courses, completion of a program. Failure to attend or complete an approved program shall be the only reason for rejecting program credit hours.

2. Credit for an identical program may be given only once to any individual during any reporting period.

G. Credit for Presentation of Professional Lectures. Pharmacists may apply for credit of presentation of in service training programs or other lectures consisting of subjects included in the definition of continuing pharmaceutical education, however, credit shall not be allowed for the preparation or presentation of programs or lectures for which academic credit may be granted to a pharmacy student. Such pharmacists need not apply for approval as a program sponsor or for approval of an approved program provided that hours of credit applied for do not exceed the number of hours required to present the in service training program or other lecture, and, further provided that information, such as a class syllabus or lecture manuscript, be made available upon request to document presentation of the in service training. Credit for presentation of the in service training programs or other lecturers may be granted only once for any given program or lecture.

H. Advisory Council on Continuing Education. The Advisory Council on Continuing Education shall meet at least quarterly and shall annually elect a chairman and a vice chairman from its membership. The secretary of the State Board of Pharmacy shall act as secretariat to the Advisory Council.

I. List of Approved Programs. The board shall, maintain a record of approved programs including the hours of credit assigned to each program. Such records are to be made available to any registrant upon his request.

J. Non-Approved Programs. Pharmacists may apply for credit for inclusion of programs not previously approved by the board, provided that the name and address of the program sponsor and all of the information required by the board in compliance with Section D is submitted to the board within 45 days after completing the program. Such programs shall be subject to all of the standards herein provided.

PGG/nv
10-12-73

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the proposed Adoption
of Revised Rules of the Minnesota State
Board of Pharmacy Governing Continuing Education CERTIFICATE.

I hereby certify that the attached 270 labels and sheet constitute the complete list of persons, associations, and other interested groups who as of 2:15 ~~10:00~~ o'clock p.m., this 11th day of October, 1973, have requested pursuant to M.S. 1971, Chapter 15, see. 15.0421 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.

SECRETARY OF STATE

Arlen I. Erdahl

BY Gail Dion

Exhibit 3
Orig 11/2/73

AFFIDAVIT

David E. Holmstrom, being first duly sworn upon oath deposes and says:

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

(2) That on the 10th day of October, 1973, 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 10th day of October, 1973, 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 12th day of October 1973, 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.

David E. Holmstrom,
Acting Secretary

JANE CHASTAIN
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires March 21, 1979

Subscribed and sworn to before me this 21 day of November, 1973

Jane Chastain
Notary Public

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 21st day of November, 1973, at 9:30 A.M. in the (Veterans Service Bldg., 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 the regulation as adopted allows the pharmacist in Minnesota the opportunity to meet the requirements placed upon him by M.S. 151.13 without undue hardship; that the regulation allows program sponsors virtually unlimited means of production of programs; that the regulation will aid in the furthering of the general Health and Welfare of the state by encouraging pharmacists to participate in discussion and learning situations; and that the regulation has the support of the vast majority of the pharmacists in the state.

STATE OF MINNESOTA

BOARD OF PHARMACY

David E. Holmstrom

David E. Holmstrom
Secretary

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, David E. Holmstrom, 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 21st day of November, 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, the public hearing was held on November 21, 1973 in room 304 in the Veteran's Service Buiding, Capitol Complex, St. Paul, Minnesota, concerning the adoption of the proposed board regulation number 27.

WHEREAS, said public hearing was held after proper notice required by Minnesota statues 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 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 materials, data, arguments, and briefs through September 27, 1973, and,

WHEREAS, all members of the Minnesota State Board of Pharmacy were in attendance at said public 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 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 "A" attached hereto and made a part hereof, 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 "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 David E. Holmstrom 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 Attorney General of the State of Minnesota all of the necessary papers, documents and transcripts for his approval.

Motion unanimously passed.

STATE OF MINNESOTA

BOARD OF PHARMACY

David Holmstrom

SECRETARY

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 Continuing Education

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The above-entitled matter came on for hearing before the Board of Pharmacy of the State of Minnesota on the 21st day of November, 1973 at 9:30 a.m. in Room 304, Veterans Service 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 27 Continuing Education are adopted this 18th day of December, 1973 pursuant to authority vested in the board by M.S. 151.06, and M.S. 151.212.

STATE OF MINNESOTA

BOARD OF PHARMACY

David Kahnke

SECRETARY