

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1287

05.0009.0484

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 7-17-86
DATE FOR REVIEW 7-25-86
DATE DUE 7-31-86

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved 7.29.86mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-30-86 Revisor approved 7-18-86
disapproved ~~7-30-86~~

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 6-26-86 Date combined w/FF

NA Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
NA date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking cite for hearing? small biz statement
✓? Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
4-25-86 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
5-5-86 At least 30/20 days prior to ~~hearing~~/adoption

NA Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

✓ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

NA Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness — query- DOF approval? OK-

NA Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

NA Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: DAVID E. HOLMSTROM, Executive Director
Board of Pharmacy

DATE: 7/30/86

ATTN: ROBERT T. HOLLEY
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of the Rule of the State Board of Pharmacy Governing License Fees and Examination Fees

The above-referenced rule has been approved as to its legality by the Attorney General on July 29, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1289

AG COPY

Board of Pharmacy

Adopted Rules Relating to Fees

Rules as Adopted

6800.0400 ANNUAL LICENSE RENEWAL DATE AND FEES.

Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application for license renewal, on or before June 1 of each year, together with a fee of $100. Renewal applications received on or after July 1 are subject to a late filing fee of $50 in addition to the renewal fee.

6800.1250 APPLICATIONS FOR LICENSURE.

Subpart 1. **Submitting.** Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicant's birth certificate, and a recent photograph. All applicants shall show evidence of graduation with a bachelor of science degree or doctor of pharmacy degree, as the first professional undergraduate degree in pharmacy, from a college of pharmacy or a department of pharmacy of a university approved by the board and meeting at least the minimum standards set by the American Council on Pharmaceutical Education in the current edition of its accreditation manual. Such evidence shall be shown by submitting a final transcript showing the date on which degree was conferred. The above-listed documents together with a check for $125 must be submitted to the board at least 30 days prior to the examination.

Subp. 2. **Retaking exam.** Any applicant who has failed to pass the examination required by Minnesota Statutes, section 151.06, 151.07, 151.10, or 151.12, may retake such examination within the next ensuing 14 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 or her intentions to retake the examination, certifying that information furnished on the original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of $125 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 30 1986
Joan Anderson Growe
Secretary of State
4:00
P.M.

APPROVED AS TO FORM AND LEGALITY
July 29 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Board of Pharmacy

Proposed Rules Relating to Fees

Rules as Proposed

6800.0400 ANNUAL LICENSE RENEWAL DATE AND FEES.

Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application for license renewal, on or before June 1 of each year, together with a fee of ~~$90~~ $100. Renewal applications received on or after July 1 are subject to a late filing fee of ~~$25~~ $50 in addition to the renewal fee.

6800.1250 APPLICATIONS FOR LICENSURE.

Subpart 1. **Submitting.** Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicant's birth certificate, and a recent photograph. All applicants shall show evidence of graduation with a bachelor of science degree or doctor of pharmacy degree, as the first professional undergraduate degree in pharmacy, from a college of pharmacy or a department of pharmacy of a university approved by the board and meeting at least the minimum standards set by the American Council on Pharmaceutical Education in the current edition of its accreditation manual. Such evidence shall be shown by submitting a final transcript showing the date on which degree was conferred. The above-listed documents together with a check for ~~$90~~ $125 must be submitted to the board at least 30 days prior to the examination.

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

before an examination, notify the board in writing of his or her intentions to retake the examination, certifying that information furnished on ~~his~~ the original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of ~~$90~~ $125 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD933

Agency: Board of Pharmacy

Division:

Agency Contact: David E. Holmstrom

Minnesota Rules: Parts 6800.0400 and 6800.1250

Title: Proposed Rules Relating to Fees

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

David S. Niss
Assistant Revisor
Phone: 297-2948
Date: April 14, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of the Rule of the State Board of Pharmacy Governing License Fees and Examination Fees

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's proposed adoption of the above-entitled rule was published in the State Register on May 15, 1986 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on April 25, 1986. The statement of need and reasonableness was prepared before the date of the notice of proposed adoption of a rule without a public hearing and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Relating to License Fees and Examination Fees is adopted this 26th day of June, 1986, pursuant to authority vested in the Board by Minnesota Statutes, section 151.06.

David E. Holmstrom

Executive Director
Minnesota Board of Pharmacy

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

Proposed Rules Relating to
Pharmacy License Fees
and Examination Fees

ORDER FOR NOTICE OF
INTENT TO AMEND RULES
WITHOUT A PUBLIC HEARING

IT IS ORDERED this 18th day of April, 1986, that a Notice of Intent to Amend Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Board of Pharmacy for that purpose and be published in the State Register.

STATE OF MINNESOTA

BOARD OF PHARMACY

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

CERTIFICATE OF BOARD OF PHARMACY

AUTHORIZING RESOLUTION

I, David E. Holmstrom, do hereby certify that I am the Executive Director of the Minnesota 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 duly and properly called and held on the 9th day of October, 1985, that a quorum was present at the meeting, that a majority of those present voted for the resolution and that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified:

> RESOLVED, that David E. Holmstrom, Executive Director of the Minnesota Board of Pharmacy, be and hereby is granted the authority and directed to sign and publish an order and a notice of intent to adopt rules without a public hearing for the purpose of amending existing Board rules relating to license fees and examination fees. If the statutorily required number of persons request a hearing in response to the notice, Mr. Holmstrom is also granted the authority and directed to call such a hearing and to perform any and all acts incidental thereto, including requesting the appointment of a hearing examiner, and complying with all applicable provisions of the Minnesota Administrative Procedure Act and the rules of the Office of Administrative Hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 8th day of July, 1986.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA

BOARD OF PHARMACY

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

Proposed Rules Relating to
Pharmacy License Fees and
Examination Fees

NOTICE OF INTENT TO
AMEND RULES WITHOUT
A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend Minn. Rules pts. 6800.0400 and 6800.1250. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules will be used, except that no public hearing will be held unless at least 20 percent of the persons who will be required to pay the proposed fees submit a written request for a public hearing to the Board during the 30-day comment period described below. See, Minnesota Statutes, section 16A.128, subdivision 2.a. (Minn. Laws 1985, 1 Sp. 13, section 101).

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged.

2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comments, and any change proposed.

3. If 20 percent or more of the persons who will be required to pay the proposed fees submit a written request for a public hearing during the 30-day comment period, a public hearing will be held.

4. All comments, including requests for a public hearing, shall be submitted to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, Room 107, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1079.

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.

7. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Holmstrom at the above address.

8. Authority to amend Minn. Rules pts. 6800.0400 and 6800.1250 is contained in Minn. Stat. sections 151.06 sub. 1 (7) and (9), 151.07, 151.19 and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

9. The approval of the Commissioner of Finance for amendments or rules relating to fees is required by Minn. Stat. section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the

Commissioner has approved the proposed amendments to Minn. Rules pts. 6800.0400 and 6800.1250 is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

10. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

11. Any rule change made pursuant to this proceeding shall be effective five working days after publication in the State Register of a notice of the adoption of the change.

April 18, 1986

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

Board of Pharmacy

Proposed Rules Relating to Fees

Rules as Proposed

6800.0400 ANNUAL LICENSE RENEWAL DATE AND FEES.

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APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

before an examination, notify the board in writing of his or her intentions to retake the examination, certifying that information furnished on ~~his~~ the original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of $90 $125 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of Rules of the Board of Pharmacy Relating to License Fees

AFFIDAVIT OF MAILING

Patricia Eggers, being first duly sworn deposes and says:

That on the 25th day of April, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the (State of Minnesota Central Mail System for United States mailing [or] United States mail) at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Board of Pharmacy for the purpose of receiving notice of the proposed adoption of rules by this agency. The attached notice was also mailed to persons who had requested that their names be placed on file with the Minnesota Board of Pharmacy and who were determined by the Board of Pharmacy to be interested in the above captioned rules.

Patricia Eggers

Subscribed and sworn to before me
this 9th day of July, 1986.

Alice D. Hummer

ALICE D. HUMMER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 18, 1988

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Pharmacy Relating to License Fees

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 12, and 14.22, that their names be placed on file with and be maintained by the Board of Pharmacy for the purpose of receiving notice of the proposed adoption of rules by this agency is accurate and complete as of 9:00 A.M., this 25th day of April, 1986.

I hereby further certify that the list attached hereto and made a part hereof constitutes the complete list of such persons who have so registered with the Minnesota Board of Pharmacy.

Patricia Eggers

Frank Dolejsi
Ass't. Director BCA Lab.
c/o BCA Lab
1246 University Ave.
St. Paul, MN 55104

Paul D. Wittmer (MSHP)
Bethesda Pharmacy Dept.
559 Capitol Blvd.
St. Paul, MN 55103

Bloomington City Attorney
2215 W. Old Shakopee Road
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Broeker, Hartfeldt, Hedges & Grant
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R. J. Lavell, Dept. Comm.
Dept. of Veterans Affairs
Veterans Service Bldg.
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Inver Grove Heights, MN 55075

Mark A. Kalkis
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Ray A. Wolf, Manager Government Affairs
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John E. Stevens
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Ken Majkowski
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Tom Mesich
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Robert Gale
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Pharmacy Director
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John Peck
Upsher Smith Labs
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Dennis Zanardi
VA Hospi[illegible] 119
54th St. & 48th Ave. S.
Mpls., MN 55417

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Glasgow, KY 42141

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Smithtown, NY 11787

Lawrence W. Johnson
Area Manager
Wayne Ferrell
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St. Park, MN 55426

Joseph Zastera
607 13th Ave.
Two Harbors, MN 55616

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St. Paul, MN 55104

Jerome A. Pihlaja
Bureau of Criminal Apprehension
1246 University Avenue
St. Paul, MN 55104

Samuel B. Stinson, PhD
Bureau of Criminal Apprehension
1246 University Ave.
St. Paul, MN 55104

Governor's Commission on Drug Abuse
ATTN: Director
Capitol Square Bldg.
St. Paul, MN 55155

Kathleen P. Burek
Executive Director
Legislative Comm. to Review Administrative
B-46 Capitol Bldg.

MN Attorney General's Office
2nd Floor Ford Building
117 University Ave.
St. Paul, MN 55155

MN Board on Aging
204 Metro Square Building
St. Paul, MN 55101

MN Board of Chiropractic Examiners
717 Delaware St. SE #336
Mpls., MN 55414

MN Board of Dentistry
717 Delaware St. SE #338
Mpls., MN 55414

MN Board of Medical Examiners
717 Delaware St. SE #352
Mpls., MN 55414

MN Board of Nursing
717 Delaware St. SE #350
Mpls., MN 55414

MN Board of Nursing Home Administrators
717 Delaware St. SE #340
Mpls., MN 55414

MN Board of Optometry
717 Delaware St. SE
Mpls., MN 55414

MN Board of Peace Officers
500 Metro Square Bldg.
St. Paul, MN 55101

MN Board of Psychologists
717 Delaware St. SE #343
Mpls., MN 55414

MN Board of Veterinary Medicine
717 Delaware St. SE
Mpls., MN 55414

MN Department of Health
717 Dela[illegible]e St. SE
Mpls., MN 55440

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St. Paul, MN 55155

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Rule as Proposed (all new material)

6100.1710 GROUP DAILY VEHICLE PERMITS.

All state park managers will have authority to issue special group daily vehicle permits to groups consisting of ten vehicles or more at a rate of $1.50 per vehicle. The permit will be issued by the park manager for one day of use between 8:00 a.m. and 10:00 p.m. The group daily vehicle permit will only be sold for days when the park manager determines that use in the particular park is normally limited, such as weekdays, weekends in some parks, or off-season weekends.

Board of Pharmacy

Proposed Rules Relating to Fees

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend Minn. Rules Parts 6800.0400 and 6800.1250. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules will be used, except that no public hearing will be held unless at least 20 percent of the persons who will be required to pay the proposed fees submit a written request for a public hearing to the Board during the 30-day comment period described below. See, Minnesota Statutes, section 16A.128, subdivision 2.a. (Minn. Laws 1985, 1 Sp. 13, section 101).

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendment, and comment is encouraged.

2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comments, and any change proposed.

3. If 20 percent or more of the persons who will be required to pay the proposed fees submit a written request for a public hearing during the 30-day comment period, a public hearing will be held.

4. All comments, including requests for a public hearing, shall be submitted to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, Room 107, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1079.

5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.

7. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Holmstrom at the above address.

8. Authority to amend Minn. Rules pts. 6800.0400 and 6800.1250 is contained in Minn. Stat. sections 151.06 sub. 1(7) and (9), 151.07, 151.19 and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

9. The approval of the Commissioner of Finance for amendments or rules relating to fees is required by Minn. Stat. section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to Minn. Rules pts. 6800.0400 and 6800.1250 is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

10. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

11. Any rule change made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the change.

18 April 1986

David E. Holmstrom
Executive Director

Rules as Proposed

6800.0400 ANNUAL LICENSE RENEWAL DATE AND FEES.

Each pharmacy license shall expire on June 30 of each year and shall be renewed and annually by filing an application for license renewal, on or before June 1 of each year, together with a fee of ~~$90~~ $100. Renewal applications received on or after July 1 are subject to a late filing fee of ~~$25~~ $50 in addition to the renewal fee.

6800.1250 APPLICATIONS FOR LICENSURE.

Subpart 1. **Submitting.** Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicant's birth certificate, and a recent photograph. All applicants shall show evidence of graduation with a bachelor of science degree or doctor of pharmacy degree, as the first professional undergraduate degree in pharmacy, from a college of pharmacy or a department of pharmacy of a university approved by the board and meeting at least the minimum standards set by the American Council on Pharmaceutical Education in the current edition of its accreditation manual. Such evidence shall be shown by submitting a final transcript showing the date on which degree was conferred. The above-listed documents together with a check for ~~$90~~ $125 must be submitted to the board at least 30 days prior to the examination.

Subp. 2. **Retaking examn.** Any applicant who has failed to pass the examination required by Minnesota Statutes, section 151.06, 151.07, 151.10, or 151.12, may retake such examination within the next ensuing 14 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 39 days before an examination, notify the board in writing of his or her intentions to retake the examination, certifying that information furnished on ~~his~~ the original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of ~~$90~~ $125 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Rules Relating to Cancellation of Commercial Policies

The rules proposed and published at *State Register*, Volume 10, Number 19, pages 1018-1020, November 4, 1985 (10 S.R. 1018) and Volume 19, Number 21, pages 1146-1149, November 18, 1985 (10 S.R. 1146) are adopted with the following modifications:

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of the Rule of the State Board of Pharmacy Governing License Fees and Examination Fees

CERTIFICATE OF THE MINNESOTA BOARD OF PHARMACY RESOLUTION ADOPTING THE RULE

I, Michael E. Hart, do hereby certify that I am a member and the President of the Minnesota 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, duly and properly called and held on the 26th day of June, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rule relating to license fees and examination fees is approved and adopted, pursuant to authority vested in the Board by Minnesota Statutes 151.06 subdivision 1 (9) and 214.06, the Executive Director of the Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general when such modification does not raise significant new legal issues and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of June, 1986.

Michael E. Hart Jr.

President of the Board

B. Patricia DeLaPointe

Attest by one other Board member

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT MINNESOTA BOARD OF PHARMACY

Office Memorandum

TO : Allen Yozamp
Director Budget Operations & Support
Department of Finance

DATE: 3/21/86

FROM : David E. Holmstrom
Executive Director

PHONE: 642-0541

SUBJECT: Approval of Fee Increase

A request is hereby made for approval of fee increases as follows:

	Present	Proposed
Application for Examination	$90.00	$125.00
Pharmacy License (New)	$90.00	$100.00
Pharmacy Renewal	$90.00	$100.00

The fee increases are needed to cover a FY 1986 shortfall in receipts which resulted from increased costs of the "national" examination used by the board; from costs of relocating to new office space, necessitated by the Health Department requiring the office space that was previously occupied by the health related licensing boards; and the costs of Revisor's services mandated by Laws of MN 1985, Chapter 15P13.

It is anticipated that the fee increases will generate approximately $15,000 in additional revenue annually and will cover the following costs:

Exam Cost increase per exam	$ 40. x 125 annually = 5000
Rent increase	$ 6,720.
Moving Costs (shared with other boards)	$ 300.
Phone service/hookup	$ 3,271.
Furniture	$ 8,418.
Revisor fees	$ 730.
Total	$24,439.

The Boards total fee structure will now be as follows:

Source Code	Fee Title	Present Fee	#	Generated	New Fee	#	Additional $ Generated
000001	Pharmacist Renewal	$ 50.00	4133	$206,650			
000002	Pharmacy License (New)	90.00	50	4,500	$100.00	50	500
000002	Pharmacy Renewal	90.00	1056	95,040	$100.00	1056	10,560
000003	Wholesaler Renewal	100.00	170	17,000			

000004	Manufacturer	100.00	124	12.400			
000007	Exam Fee	90.00	114	10,260	$125.00	115	4,025
000007	Partial Exam Fee	45.00	14	630	$ 62.50	15	245
000008	Original Licensure Fee	50.00	73	3,650			
000009	Reciprocity	150.00	61	9,150			
000010	Internship Registration	20.00	144	2,880			

Total increase of: $ 15,270

FY 85 Receipts: $381,612

Total anticipated receipts: $396,882

The total expenditures anticipated for the board for FY 1986 are shown below:

Budget items	$351,600
LAC Request granted to cover moving expenses	$ 17,530
Non Budget items covered by Fees	$ 23,790
Total	$392.920

Since approval of this request must be included as part of the Statement of Need and Reasonableness required for adoption of a new rule, and since the Board has passed the resolution of intent to raise the fees and the proposed change is at the revisor's office, there is some urgency to this request.

Thank you for your assistance.

DEH:pe

Approved Richard D. Hoeft Date 3-25-86

Richard Hoeft, Acting Director
Budget Operations and Support

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the matter of a proposed rule amendment relating to fees for examination, new pharmacy licensure, pharmacy license renewal, and late pharmacy renewal.

STATEMENT OF NEED AND REASONABLENESS

The Minnesota Board of Pharmacy (Board), pursuant to Minn. Stat. section 14.22 and 14.23 and Minn. rules part 1400.0500, hereby affirmatively presents the needs for and facts establishing the reasonableness of the above captioned proposed amendment to portions of the Board's rules. The statutory authority for these proposed rule changes is contained in Minn. Stat. section 151.06 subdivision 1 (9), which authorizes the Board to make and publish uniform rules and regulations to enforce the provisions of the statute. The rules captioned above are being adopted according to the procedures set forth in Minn. Stat. section 16A.128. A copy of the approval of the Commissioner of Finance is incorporated herein. Minnesota rules part 6800.1250 is the Board's current rule addressing examination fees. Minnesota rules part 6800.0400 is the Board's current rule on pharmacy licensure fees.

The Board is proposing to amend these rules to establish fees that will ensure that the Board generates sufficient revenue to cover increased costs of administering the "national" examination and to cover additional costs involved in fiscal year 1986 due to involuntary relocation to other

quarters. It has been determined that Minn. Stat. section 14.11 does not apply to this proposed rule therefore the Statement of Need and Reasonableness does not address the topic referenced in that statute. The intent of the proposed changes in Board rules is to allow the Board to meet its statutorily requirement of adjusting its fees to meet the expenditures over each biennium.

The last time that pharmacy license fees were increased was in November of 1984. At that time the fee was increased to its present state of $90.00. Since the Board's total number of licensees in all categories has remained relatively constant the rising costs of operation of the Board together with the unexpected additional cost of moving to new quarters has necessitated this fee increase.

The Board, in furtherance of its responsibilities under Minnesota Statutes Chapter 214.03, utilizes a national standardized test as the objective, non-practical portion of its licensure examination given to prospective licensees. The National Association of Boards of Pharmacy produces the test called "NABPLEX", which is utilized by the Board. The Board also utilizes a Federal Drug Law Examination that is distributed on a nationwide basis as the examination for knowledge of federal drug laws. Approximately a year ago the costs of both of these examinations was raised. At the Board's examination that was administered in January of this year the Board found itself in the unenviable position of actually loosing money on every candidate that was examined. The Board finds that it must raise the examination fees to the candidates for licensure in order to break even on the examination costs.

General Board expenses for the operation of the Board is paid for through appropriations from the legislature. During each biennium then the Board is required to establish its fees in such a manner that the revenues received from licensing fees will, as closely as possible, approximate the appropriation granted the Board by the legislature. In fiscal year 1986 the Board was required to move to a new location. The Minnesota Department of Health, from which the Board rented office space for the past twelve years, forced the health related licensing boards, including the Board of Pharmacy, to relocate to another building due to the Health Department needing the space that was occupied by the Boards. This forced relocation provided the Board with an opportunity to obtain some much needed additional space but at the same time increased the square foot cost of rental and involved additional costs to the Board, such as the cost of the move itself, the cost of installing a new telephone system, the cost of acquiring additional furniture (some of the Boards previous furniture was on loan from the Department of Health) and all in all involved substantial additional costs for fiscal year 86 and will continue to involve additional rental costs into the future.

The Board did not anticipate that a fee increase would be necessary to meet the Board's operating expenses for fiscal year 1986. The increased costs to the Board associated with the move, however, made a fee increase at this time mandatory.

Table one below indicates the amount of additional revenue anticipated from the fee increases.

TABLE ONE

Fee Title	Present Fee	Proposed Fee	Number Paying Fee	Add'l. Revenue Generated
Pharmacy License (New)	$ 90.00	$100.00	50	$ 500.
Pharmacy Renewal	$ 90.00	$100.00	1,056	$ 10,560.
Exam Fee (Complete)	$ 90.00	$125.00	115	$ 4,025.
Exam Fee (Partial)	$ 45.00	$ 62.50	15	$ 245.

It should be noted that the Board is proposing no increase in the total dollars generated due to late renewal of license, partly because the number of licensees paying late is so small that even the substantial percentage increase in the late fee would raise very little revenue, and partly because the fee is intended as a deterrent rather to late payment rather than as a revenue producer.

Whatever an agency proposes a new rule or seeks to amend an existing rule, Minn. Stat. section 14.115 requires the agency to consider whether the rule change will have an impact on small businesses. If the agency determines that they will, the agency must consider whether certain methods, set forth in subdivision two of the statute, could be adopted to reduce the impact of the rule changes on small businesses. The statute requires the agency to document in its Statement of Need and Reasonableness how it consided these methods and the feasibility of adopting any of the specific methods.

In addition to the licensure of pharmacists, the Board licenses pharmacies, drug manufacturer, and drug wholesalers. The Board has reviewed the impact, if any, its proposed rule changes would have on such businesses. Since virtually all of the Board's licensees qualify under the

statutes as "small business" everything the Board does impacts on "small business".

Minn. Stat. section 14.115 subdivision 2 enumerates the following five methods an agency must consider to reduce the impact of the rules on small businesses:

(a) The establishment of less stringent compliance or reporting requirements for small businesses;

(b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) The consolidation or simplification of compliance or reporting requirements for small business;

(d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule, and;

(e) Exemption of small businesses from any or all requirements.

Parts a, c, and d of subdivision two are not applicable to the Board's fee setting rule since they relate to reporting requirements or performance standards. The Board is unable to establish a less stringent schedule or deadline for compliance with the fee increase for its licensees in that the additional monies that will be generated by the fee increase must be generated prior to June 30, 1986. The Board's pharmacy license renewals are due to be paid during the month of June. Likewise, the Board cannot exempt small business from applicability of the rule in that virtually all of the Board's licensees are small business and to exempt them would negate the rule change altogether and would result in the Board not being able to comply with its statutory requirements.

Attached is a copy of the approval of the fee increase from the Department of Finance.

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT MINNESOTA BOARD OF PHARMACY

TO : Allen Yozamp
Director Budget Operations & Support
Department of Finance

DATE: 3/21/86

FROM : David E. Holmstrom
Executive Director

PHONE: 642-0541

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Thank you for your assistance.

DEH:pe

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

Proposed Rules Relating to
Pharmacy License Fees
and Examination Fees

DECLARATION OF
COUNSEL

I, Robert E. Holley, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedures Act and Minnesota Rules, chapter 2010 have been followed.

Robert E. Holley
Special Assistant
Attorney General

Dated: July 16, 1986

MINNESOTA BOARD OF PHARMACY

An Equal Opportunity Employer

2700 University Ave. W., #107 • St. Paul, MN 55114-1079 • Telephone: (612) 642-0541

July 14, 1986

RECEIVED

JUL 14 1986

ATTORNEY GENERAL'
ADMINISTRATIVE AGENCIES

Office of the Minnesota Attorney General
204 State Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Attention: Paula Freiermuth

RE: In the Matter of the Proposed Amendment of Rules Relating to Pharmacy License Fees and Examination Fees

Dear Ms. Freiermuth:

Herewith submitted for your review under Minn. Stat. Subd. 14.26 and Minn. Rules pt. 2010.0300 are the following noncontroversial rulemaking documents of the Minnesota Board of Pharmacy in the above subject matter:

1-2. certificate of Board's authorizing resolution, with order for notice of intent to amend rules without a public hearing;

3-4. proposed rules with a certificate of approval as to form by the revisor of statutes;

5. notice of proposed adoption of rules without a public hearing;

6. statement of need and reasonableness in support of the proposed rules;

7-8. affidavit of mailing the notice of proposed adoption of rules without a public hearing along with the certificate of mailing list;

9. photocopy of the notice of proposed adoption of the rules without a public hearing as published in the State Register;

10. four copies of the rules as adopted;

11. certificate of Board's resolution adopting the rules;

12. findings of fact, conclusions, and order adopting the rules; and

13. statement of compliance with rulemaking procedures.

In connection with the foregoing, please note that Minn. Rules pts. 2010.0300 A, B, E (4), L, N and O are not applicable to this proceeding. Also, there were no requests for a public hearing, and the Board adopted the rule changes in precisely the form published in the State Register.

Finally, due to a certain urgency relating to the fees it is requested that your review of the instant rule changes be completed at the earliest permissible date. Likewise, if there are any questions about this submission please notify me as soon as possible.

Very truly yours,

David E. Holmstrom
Executive Director

DEH:pe

Enc. (13)