

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST admin 10b

File No. 1462 Docket No. 05.0009.0484

DATE RECEIVED 3/28/88 ADOPTED W/O HEARING X

REVIEW DATE 4/6/88 EMERGENCY RULE

DUE DATE 4/11/88

REVISOR APPROVED

APPROVED 4/11/88 REVISOR DISAPPROVED

DISAPPROVED FIELD W/SEC.STATE

WITHDRAWN RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~

~~Date published in State Register~~

~~Comments~~

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

~~151.06 subd 7+9, 150.07 152.02 subd 7+8, 214.06~~ Statutory Authority

yes Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

yes Fees - § 16A.128 ✓ Com. & Fin ✓ legisl.

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

11/14/88 Date 30/25 days before adoption

✓ Publication in State Register

1/25/88 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

3/10/88 Date revised findings rec'd 4-8

✓ Written requests, submissions or comments

✓ Declaration of attorney

Robert Holly Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

ATTORNEY GENERAL

April 18, 1988

DAVID E. HOLMSTROM
Executive Director
Minnesota Board of Pharmacy

CHRISTIE B. ELLER
Assistant Attorney General

6-9421

In the Matter of the Adopted Rule Relating to
Pharmacy Regulation

The above-referenced rule has been approved as to its legality by the Attorney General on April 11, 1988.

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

Also enclosed are any petitions, requests, submissions 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 establish 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.

CBE:nah
Enclosures

cc: Maryanne Hruby
Duane Harves

Board of Pharmacy

Adopted Permanent Rules Relating to Pharmacy Regulation

Rules as Adopted

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. The evidence shall be shown by submitting an official final transcript showing the date on which degree was conferred. The above-listed documents together with a check for $200 must be submitted to the board at least 45 days prior to the examination. An applicant who is a graduate of a school or college of pharmacy located outside the United States, which has not been recognized and approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, is considered to have satisfied the requirements of graduation if the applicant verifies to the board the applicant's academic record and the applicant's graduation and meets other requirements as the board may establish. Before taking the licensing examination, a foreign graduate applicant shall pass the Foreign Pharmacy Graduate Equivalency Examination, which is recognized and approved by the board, given by the Foreign Pharmacy Graduate Examination Commission and demonstrate proficiency in the English language by passing the Test of English as a Foreign Language, which is recognized and approved by the board, given by the Educational

Testing Service as a prerequisite to taking the licensure 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 the 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 45 days before an examination, notify the board in writing of the intention 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 $200 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

6800.1600 CONTINUING EDUCATION ADVISORY TASK FORCE.

The continuing education advisory task force shall consist of not more than ten members. Three members of the advisory task force shall be pharmacists designated by the Minnesota State Pharmaceutical Association, three members shall be pharmacists designated by the Minnesota Society of Hospital Pharmacists, two members shall be pharmacists designated by the College of Pharmacy of the University of Minnesota, and two members shall be designated by the board. The continuing education advisory task force shall meet at least quarterly and shall annually elect a chair and vice-chair from its membership. The executive director of the board of pharmacy shall act as secretary to the task force.

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless

listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) Allylprodine;

(4) to (31) [Renumbered as (3) to (30)]

(31) Methyl substituted isomers of Fentanyl;

(a) to (i) [Unchanged.]

(j) para-fluorofentanyl;

N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide, its optical isomers, salts and salts of isomers;

(33) to (49) [Renumbered as (32) to (48)]

B. to F. [Unchanged.]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. and B. [Unchanged.]

C. Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Alfentanil	Alfenta

(1) to (24) [Renumbered as (2) to (25)]

D. [Unchanged.]

E. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of

isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Amobarbital	Amytal
(2) Pentobarbital	Nembutal, Tuinal
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(4) Secobarbital	Seconal

F. [Unchanged.]

G. Hallucinogenic substances.

(1) [Unchanged.]

(2) Nabilone [another name for Nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Pharmacy Regulation

AGENCY: Board of Pharmacy

MINNESOTA RULES: Chapter 6800

The attached rules are approved for filing with the Secretary of State

David S. Niss
Assistant Revisor

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 18 1988
Joan Anderson Growe
Secretary of State
1:20 pm

Board of Pharmacy

Adopted Permanent Rules Relating to Pharmacy Regulation

Rules as Adopted

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(4) to (31) [Renumbered as (3) to (30)]

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(a) to (i) [Unchanged.]

(j) para-fluorofentanyl;

N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide, its optical isomers, salts and salts of isomers;

(33) to (49) [Renumbered as (32) to (48)]

B. to F. [Unchanged.]

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The following items are listed in schedule II:

A. and B. [Unchanged.]

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Board of Pharmacy

Adopted Permanent Rules Relating to Pharmacy Regulation

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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 12th day of August, 1987, 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 is 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 examination fees, foreign pharmacy graduates, make-up of Continuing Education Advisory Task Force and controlled substances; and to proceed with noncontroversial rulemaking if less than the statutorily required number of persons request a hearing. Mr. Holmstrom is also granted the authority and is directed to perform any and all acts incidental thereto, including complying with all applicable provisions of the Minnesota Administrative Procedures Act and the rules of the office of Administrative Hearings.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 28th day of March, 1988.

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

Board of Pharmacy

Proposed Permanent Rules Relating to Pharmacy Regulation

Rules as Proposed

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B. to F. [Unchanged.]

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The following items are listed in schedule II:

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Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Pharmacy Regulation

AGENCY: Board of Pharmacy

MINNESOTA RULES: Chapter 6800

The attached rules are approved for publication in the State Register

David S. Niss
Assistant Revisor

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 Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force, and Scheduling of Controlled Substances

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. 6800.1250, 6800.1600, 6800.4210 and 6800.4220. 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 found in Minn. Stat. 14.22 to 14.28 (1986) will be used.

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. In addition to submitting comments, interested persons may request in writing during the 30 day comment period that a hearing be held on the proposed rule amendment.

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. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof within 30 days of this notice. If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. 14.131 to 14.20 (1986).

8. 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.

9. Authority to amend Minn. Rules pts. 6800.1250, 6800.1600, 6800.4210 and 6800.4220 is contained in Minn. Stat. sections 151.06 sub. 1 (7) and (9), 151.07, 152.02 subd. 7 and 8 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.

10. 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 pt. 6800.1250 is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

11. 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.

12. 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.

January 6, 1988

DAVID E. HOLMSTROM
Executive Director

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 Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force, and Scheduling of Controlled Substances

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. sections 151.06 subdivision 1 (9), 151.13 subdivision 2, and 214.06, which authorize 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 6800.1600 is the Board's current rule on the Continuing Education Advisory Task Force.

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. 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 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. The cost of the NABPLEX examination is being raised. In addition, the costs of the laboratory examination has increased. At the Board's examination that was administered in June of 1987 the Board found itself in the unenviable position of actually losing 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.

The second proposal involves a new rule to implement the provisions of M.S. 151.10, subd. 2.

The legislature, in 1986, gave the Board the authority to recognize graduates of colleges of pharmacy outside of the United States as candidates for licensure as pharmacists. The legislation required foreign graduates to demonstrate equivalency of education and competency in English.

The Board, through these rules, recognizes and accepts the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) as the examination that must be passed in order to demonstrate equivalency of education and recognizes and accepts the passing of the Test of English as a Foreign Language (commonly called the TOEFL exam) as demonstrating competency in English.

The FPGEE is an examination produced by the Foreign Pharmacy Graduate Examination Commision in Chicago. This exam was developed with the assistance of the American College Testing Service and was validated by administration to last year students at United States Colleges of Pharmacy. It meets all EEOC guidelines.

The TOEFL is administered by teh Educational Testing Service of New York. It has been available for many years and is used by many universities and other institutions as "the standard" for determining competency in English.

In that the Board has neither the funding nor the expertice to develope its own examinations in these areas the Board proposes to utilize these nationally recognized examiation instruments.

The third proposal change involves representation on the Board's Continuing Education Advisory Task Force. The make-up of this Task Force has been the same since continuing education was made mandatory for pharmacists in 1973. The Task Force includes representatives of the Board, the College of Pharmacy and the Minnesota State Pharmaceutical Association.

Since this make-up was established the Minnesota Society of Hospital Pharmacists has become a second viable and active professional association.

The Minnesota Society of Hospital Pharmacists has now met with representatives of the Board, the College of Pharmacy and the Minnesota State Pharmaceutical Association regarding representation on the Continuing Education Task Force. Various possibilities for representation of the Minnesota Society of Hospital Pharmacists have been explored and the parties are all in agreement on the change being proposed by the Board.

The Minnesota Society of Hospital Pharmacists will receive two positions from the Minnesota State Pharmaceutical Association and one from the College of Pharmacy. Thus the total composition remains at ten with three appointments being made by each of the two professional organizations and two each by the board the the College.

This format will provide the Board with input from all aspects of pharmacy within the state.

The Board has determined that input from all major organizations affecting pharmacy practice and continuing education programming is essential thus this proposed change.

The fourth area of proposed change relates to the rescheduling of controlled substance drugs. Under M.S. 152.02 subd. 7 and subd. 8 the Board of Pharmacy has been given the authority to make and publish uniform rules relating to the scheduling and rescheduling of controlled substance drugs. The Board has regularly exercised this authority in an attempt to keep state schedules in line with federal schedules and in attempts to address specific state problems of drug abuse. The Board is proposing to amend these rules in order to bring state controlled substance schedules once again into conformity with the federal schedules. Part of the

rescheduling involves the placement of a specific dosage form of THC, the active ingredient in marijuana, in Schedule II. This change is perhaps the most noteworthy of the reschedulings being proposed by the Board.

Nabilone, like Dronabinol which was rescheduled in December of 1986, has, in the past few years, been found to be effective in treating nausea associated with cancer chemotherapy in patients who have been unable to control the nausea with previously available drug entities. Nabilone has been scheduled as a Schedule II substance federally. The Board is proposing, herein, to do likewise at the state level so that this product can be used in Minnesota by oncology specialists for their cancer patients.

The Board is proposing, in Minnesota Rule 6800.4210, to clarify the description of a previously scheduled substance "para-fluorofentanyl".

In Minnesota rule 6800.4220 the Board is proposing to place into its proper location in the Board's schedules of controlled substances the drug Alfentanil, sold as Alfenta, which the 1987 legislature acted on and changed from Schedule I to Schedule II. Also involved in this section is the scheduling of Nabilone, which was discussed above.

Schedule II substances are those which do have a recognized medical use in the United States but which exhibit a high potential for abuse. The Board has found, based on the available literature, that:

1. Nabilone has a high potential for abuse;
2. Nabilone has a currently accepted medical use in the United States or a currently accepted medical use with severe restrictions, and;
3. Nabilone may lead to severe psychological or physical dependence.

The above findings are consistant with placement of Nabilone into Schedule II of the Controlled Substances Act.

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 the examination fee increase affects individuals and not "small businesses" as that term is defined there is no impact on small business from the fee change provision.

Similarly, there is no impact on small business from the change in the representation on the Board's Continuing Education Advisory Task Force or from the changes in the scheduling of controlled substances.

Minnesota Statutes section 14.115, subd. 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 and 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 businesses;

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 B, C and D of subdivision 2 are not applicable to the Board's rules since they relate to reporting requirements or performance standards which are not involved here. The Board is unable to establish a less stringent compliance requirement for a small business and is unable to exempt small businesses from any or all of the requirements of the controlled substance rules in that the federal government has already completed the rescheduling of the substances now being proposed for rescheduling at the state level by the Board. All pharmacies, wholesalers and manufacturers in the state are already required to conform to the scheduling of these products under the federal law therefore exemption under state law would not reduce or eliminate any requirements they might have under this rule.

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

DAVID E. HOLMSTROM
Executive Director
MN Board of Pharmacy

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 Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force and Scheduling of Controlled Substances

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATION OF MAILING LIST

Patricia Eggers, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Board of Pharmacy rulemaking mailing list is accurate, complete, and current as of this 12th day of January, 1988.

That on the 14th day of January, 1988, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Patricia Eggers

Subscribed and sworn to before me
this 15th day of January, 1988.

Alice D. Hummer

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

(1) the extent to which the program duplicates or is in conflict with other programs that provide housing for urban Indians and the extent to which the program will demonstrate the feasibility of alternative methods for providing housing for urban Indians;

(2) the geographic location of the proposed program and the percentage of the Minnesota urban Indian community residing in the geographic area or areas to be served, as determined by the agency according to population data;

(3) the method and cost of program administration, the time required to implement the program, and the capacity of the administrator to carry out the program; and

(4) the extent to which American Indians are involved in the administration of the program, and in the ownership, management, and labor force of any contractors and subcontractors intended to be employed in the program.

C. The extent to which the use of appropriated funds reduces housing costs to American Indian persons or families and the extent to which the program combines the proceeds of appropriated funds with proceeds of bonds of the agency, or of other issues of bonds, or otherwise uses available money to leverage the appropriated funds.

4900.1586 ADVISORY COUNCIL ON URBAN INDIANS.

The agency shall report to the advisory council on urban Indians on a periodic basis, but annually at a minimum, pertaining to the operation of the homeownership mortgage participation component of the urban Indian housing loan program. The agency shall consider the advice and concerns expressed by the advisory council in its operation of the program.

In the event that the agency develops or receives a proposal for an alternative program component, the agency shall provide a copy of the proposal to the advisory council on urban Indians. The advisory council on urban Indians shall review all proposals. Upon request of the advisory council, the organization submitting the proposal shall present the proposal before the advisory council.

Board of Pharmacy

Proposed Permanent Rules Relating to Pharmacy Regulation

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 *Minnesota Rules* pts. 6800.1250, 6800.1600, 6800.4210 and 6800.4220. 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 found in *Minnesota Statutes* 14.22 to 14.28 (1986) will be used.

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. In addition to submitting comments, interested persons may request in writing during the 30 day comment period that a hearing be held on the proposed rule amendment.

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. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof within 30 days of this notice. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* 14.131 to 14.20 (1986).

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.

8. 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.

9. Authority to amend *Minnesota Rules* pts. 6800.1250, 6800.1600, 6800.4210 and 6800.4220 is contained in *Minnesota Statutes* sections 1512.06 subd. 1 (7) and (9), 151.07, 152.02 subd. 7 and 8 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.

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

11. 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.

12. 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.

Dated: 6 January 1988

David E. Holmstrom, Executive Director
Board of Pharmacy

Rules as Proposed

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~~ The evidence shall be shown by submitting ~~a~~ an official final transcript showing the date on which degree was conferred. The above-listed documents together with a check for ~~$125~~ $200 must be submitted to the board at least ~~30~~ 45 days prior to the examination. An applicant who is a graduate of a school or college of pharmacy located outside the United States, which has not been recognized and approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, is considered to have satisfied the requirements of graduation if the applicant verifies to the board the applicant's academic record and the applicant's graduation and meets other requirements as the board may establish. Before taking the licensing examination, a foreign graduate applicant shall pass the Foreign Pharmacy Graduate Equivalency Examination, which is recognized and approved by the board, given by the Foreign Pharmacy Graduate Examination Commission and demonstrate proficiency in the English language by passing the Test of English as a Foreign Language, which is recognized and approved by the board, given by the Educational Testing Service as a prerequisite to taking the licensure 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~~ the 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~~ 45 days before an examination, notify the board in writing of ~~his or her intentions~~ the intention 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~~ $200 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

6800.1600 CONTINUING EDUCATION ADVISORY TASK FORCE.

The continuing education advisory task force shall consist of not more than ten members. ~~Five~~ Three members of the advisory task force shall be pharmacists designated by the Minnesota State Pharmaceutical Association, three members shall be pharmacists designated by the Minnesota Society of Hospital Pharmacists, two members shall be pharmacists designated by the College of Pharmacy of the University of Minnesota, and two members shall be designated by the board. The continuing education advisory task force shall meet at least quarterly and shall annually elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from its membership. The executive director of the board of pharmacy shall act as secretary to the task force.

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) ~~Alfentanil;~~

~~(3)~~ Allylprodine;

(4) to (31) [Renumbered as (3) to (30)]

~~(32)~~ (31) Methyl substituted isomers of Fentanyl;

(a) to (i) [Unchanged.]

(j) para-fluorofentanyl; N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide ~~(para-fluorofentanyl)~~, its optical isomers, salts and salts of isomers;

(33) to (49) [Renumbered as (32) to (48)]

B. to F. [Unchanged.]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. and B. [Unchanged.]

C. Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, nd salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Alfentanil	Alfenta

(1) to (24) [Renumbered as (2) to (25)]

D. [Unchanged.]

E. Depressants~~.~~. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Amobarbital	Amytal
(2) Pentobarbital	Nembutal, Tuinal
(3) Phencyclidine	Sernyl, Sernylar
(4) Secobarbital	Seconal

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.

F. [Unchanged.]

G. Hallucinogenic substances.

(1) [Unchanged.]

(2) Nabilone [another name for Nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1- hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

Board of Podiatric Medicine

Proposed Permanent Rules Relating to Licensure; Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Board of Podiatric Medicine intends to adopt a rule relating to requirements for licensure, standards for approval of podiatric medical schools, for a state clinical examination, and for approval of post-doctoral residency, preceptorship, or other programs, establishing the scope of a temporary permit to practice podiatric medicine and standards for awarding the permit, defining false or misleading advertising, establishing reporting procedures, the term and renewal of licenses, continuing education requirements, reinstatement of licenses, and fees. The Board intends to adopt the rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* section 153.02.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. 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. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Joyce M.Schowalter, Executive Director, Suite 108, 2700 University Avenue West, St. Paul, Minnesota 55114, telephone (612) 642-0568.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonablenesss that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Joyce M. Schowalter, at the above address, upon request.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Joyce M. Schowalter at the above address.

Dated: 6 January 1988

Joyce M. Schowalter
Executive Director

Rules as Proposed

6900.0010 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the following terms have the meanings given them.

Subp. 2. **Clinical residency.** "Clinical residency" means a formal, structured postdoctoral training program sponsored by and conducted in an accredited institution such as a hospital or ambulatory health care facility or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education, American Podiatric Medical Association, and designed to:

A. provide the podiatric medical graduate with a well-rounded exposure to a hospital environment in preparation for management of podiatric conditions and diseases as they are related to systemic diseases in the lower extremities;

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 Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force and Scheduling of Controlled Substances

CERTIFICATE OF THE MINNESOTA BOARD OF PHARMACY RESOLUTION ADOPTING THE RULE

I, George Medich, 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 10th day of March, 1988, 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 changes relating to examination fees, foreign pharmacy graduates, make-up of Continuing Education Advisory Task Force and scheduling of controlled substances be and hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes 151.06 Subdivision 1 (9) and that David E. Holmstrom, Executive Director of the Board of Pharmacy, be and hereby is authorized to sign an Order adopting these rule changes and further is authorized to perform the necessary acts to provide that these rule changes will have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of March, 1988.

George Medich

President of the Board

Henry T. Cogan

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Board of Pharmacy Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force, and Scheduling of Controlled Substances

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

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on January 25, 1988 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 January 14, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

Before the Notice of Intent to adopt rules was submitted to the State Register, a copy of the Notice and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

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.

Two submissions or comment on the rule was received by the agency. They were from Mr. Thomas Kellenberger and Mr. Mark Kalkis and fully supported the rule. No requests for notice of submission to the attorney general were received by the agency.

Based on the comments and 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 Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force and Scheduling of Controlled Substances is adopted this 10th day of March, 1988, pursuant to authority vested in the Board by Minnesota Statutes, section 151.06.

David Holmstrom

Executive Director
Minnesota Board of Pharmacy

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Adoption of the Rule of the Minnesota Board of Pharmacy Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force, and Scheduling of Controlled Substances

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

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Before the Notice of Intent to adopt rules was submitted to the State Register, a copy of the Notice and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

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.

Two submissions or comment on the rule was received by the agency. They were from Mr. Thomas Kellenberger and Mr. Mark Kalkis and fully supported the rule. No requests for notice of submission to the attorney general were received by the agency.

A review of the rule as proposed has indicated that a phrase on page one, line 28 relating to foreign pharmacy graduates may be overly broad and should be deleted. The sentence in question then, which begins on page one, line 21, would read as follows: "An applicant who is a graduate of a school or college of pharmacy located outside the United States, which has not been recognized and approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, is considered to have satisfied the requirements of graduation if the applicant verifies to the board the applicant's academic record and the applicant's graduation."

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

The Amendment to the proposed rule is not substantive.

The above-captioned rule as amended is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Relating to Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force and Scheduling of Controlled Substances is adopted this 10th day of March, 1988, 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

In the Matter of an Adoption of the Rule of the Minnesota Board of Pharmacy Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Contuing Education Advisory Task Force, and Scheduling of Controlled Substances

DECLARATION OF COUNSEL

I, Robert T. 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. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0484.

Robert T. Holley

Robert T. Holley
Special Assistant
Attorney General

Dated: 3/28/88

49

NOTICE:

Your name and address is on file at the Board of Pharmacy as being among those who wish to receive notice of proposed rulemaking by the Board.

In an effort to keep current our list and to avoid unnecessary expense we are taking this opportunity to contact all persons of record with us to ascertain their continued interest in being kept on our list.

If you wish to continue to receive notices of proposed Board of Pharmacy rulemaking please complete and return this notice within 30 days. If we do not receive a completed form from you your name and address will be deleted from our current list.

NAME MARK KALKIS

ADDRESS 800 MADONNA BLVD. #3

Tierra Verde, Fla 33715

Return to the Minnesota Board of Pharmacy, 2700 University Ave. W. #107, St. Paul, MN 55114-1079

DEH:pe

Enc. Return Envelope



Mark A. Kalkis
800 Madonna Blvd. #3
Tierra Verde, FL 33715

Thankyou for the rule change notice! Good ideas!

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MINNESOTA BOARD OF PHARMACY

DATE : September 1, 1987

TO : Bruce T. Reddemann, Director
Budget Operations & Support
Department of Finance

FROM : David E. Holmstrom
Executive Director

PHONE : 642-0541

SUBJECT : Approval of Fee Increase



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

	PRESENT	PROPOSED
Application for Examination	$125.00	$200.00

The fee increase is needed to cover a FY 1988 shortfall in receipts which will result in part from increased costs of the "national" examination used by the Board. Our costs for the use of this examination will be increasing to $150 each as of the 1988 testing year.

It is anticipated that the fee increase will generate approximately $10,500 in additional revenue annually and will cover the following costs:

NABPLEX Exam Cost	$	150.	x 130 annually =	$19,500
FDLE Exam Cost	$	20.	x 130 annually =	$ 2,600
Chemicals/Supplies	$	9.75	x 130 annually =	$ 1,267
Lab Set Up	$	5.75	x 130 annually =	$ 747
Room Rental	$	5.75	x 130 annually =	$ 747
State Jurisprudence Exam	$	2.50	x 130 annually =	$ 325
Total	$	193.75	x 130 annually =	$25,156

The Board's total fee structure will now be as follows:

Source Code	Fee Title	Present Fee	#	$ Generated	New Fee	#	New $ Generated
000001	Pharmacist Renewal	$50.00	4249	$212450. ✓			
000002	Pharmacy License (New)	$100.00	46	$ 4600. ✓			
000002	Pharmacy Renewal	$100.00	1073	$107300. ✓			
000003	Wholesaler Renewal	$100.00	182	$ 18200. ✓			
000004	Manufacturer Renewal	$100.00	133	$ 13300. ✓			

000007	Exam Fee	$125.00	112	$ 14000. ✓	$200.00	130	$26000
000007	Partial Exam Fee	$ 50.00	24	$ 1200. ✓	$100.00	20	$ 2000
000008	Original Licensure Fee	$ 50.00	96	$ 4800. ✓			
000009	Reciprocity Fee	$150.00	82	$ 12300. ✓			
000010	Internship Registration	$ 20.00	160	$ 3200. ✓			

391,350

Total increase of ($75. x 130 = $9,750 = $50. x 20 = ~~$2000~~ 1000): $11,750

FY 87 Receipts: $421,097

Total Anticipated Receipts (FY 88): $432,847

Since approval of this request must be included as part of the Statement of Need and Reasonableness required for adoption of a new rule your prompt attention to this request for approval would be greatly appreciated.

Thank you for your assistance.

DEH:pe

Approved BJ Rudd Dated 9-22-87

or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) ~~Alfentanil~~;

~~(3)~~ Allylprodine;

(4) to (31) [Renumbered as (3) to (30)]

~~(32)~~ (31) Methyl substituted isomers of Fentanyl;

(a) to (i) [Unchanged.]

(j) para-fluorofentanyl; N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide ~~(para-fluorofentanyl)~~, its optical isomers, salts and salts of isomers;

(33) to (49) [Renumbered as (32) to (48)]

B. to F. [Unchanged.]



6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. and B. [Unchanged.]

C. Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Alfentanil	Alfenta

(1) to (24) [Renumbered as (2) to (25)]

D. [Unchanged.]

E. Depressants. Unless specifically excepted or

Approved by Revisor _____

unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Amobarbital	Amytal
(2) Pentobarbital	Nembutal, Tuinal
(3) Phencyclidine	Sernyl, Sernylar
(4) Secobarbital	Seconal

F. [Unchanged.]

G. Hallucinogenic substances.

(1) [Unchanged.]

(2) Nabilone [another name for Nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

Approved by Revisor _____

Board of Pharmacy

Proposed Permanent Rules Relating to Pharmacy Regulation

Rules as Proposed

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~~ The evidence shall be shown by submitting ~~a~~ an official final transcript showing the date on which degree was conferred. The above-listed documents together with a check for ~~$125~~ $200 must be submitted to the board at least ~~30~~ 45 days prior to the examination. An applicant who is a graduate of a school or college of pharmacy located outside the United States, which has not been recognized and approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, is considered to have satisfied the requirements of graduation if the applicant verifies to the board the applicant's academic record and the applicant's graduation and meets other requirements as the board may establish. Before taking the licensing examination, a foreign graduate applicant shall pass the Foreign Pharmacy Graduate Equivalency Examination, which is recognized and approved by the board, given by the Foreign Pharmacy Graduate Examination Commission and demonstrate proficiency in the English language by passing the Test of English as a Foreign Language, which is recognized and approved by the board, given

Approved by Revisor

by the Educational Testing Service as a prerequisite to taking the licensure 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~~ the 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~~ 45 days before an examination, notify the board in writing of ~~his or her intentions~~ the intention 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~~ $200 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

6800.1600 CONTINUING EDUCATION ADVISORY TASK FORCE.

The continuing education advisory task force shall consist of not more than ten members. ~~Five~~ Three members of the advisory task force shall be pharmacists designated by the Minnesota State Pharmaceutical Association, three members shall be pharmacists designated by the Minnesota Society of Hospital Pharmacists, two members shall be pharmacists designated by the College of Pharmacy of the University of Minnesota, and two members shall be designated by the board. The continuing education advisory task force shall meet at least quarterly and shall annually elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from its membership. The executive director of the board of pharmacy shall act as secretary to the task force.

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name,

Approved by Revisor _____

MINNESOTA BOARD OF PHARMACY

An Equal Opportunity Employer

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

March 10, 1988

Office of the Minnesota Attorney General
515 Transportation Building
John Ireland Blvd.
St. Paul, MN 55155

Attention: Rita M. Desmond

RE: In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Pharmacy Governing Examination Fees, Foreign Pharmacy Graduates, Make-up of Continuing Education Advisory Task Force, and Scheduling of Controlled Substances

Dear Ms. Desmond:

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. certificate of Board's authorizing resolution;

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

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

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

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

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

RECEIVED

MAR 28 1988

ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

7. four copies of the rules as adopted;

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

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

10. copy of written comment;

11. declaration of counsel.

In connection with the foregoing, please note that Minn. Rules pts. 2010.0300 A, B, 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 rescheduling of Cesamet (Nabilone) 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. (11)