

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM
3/4/93

RULE REVIEW CHECKLIST

File No. ~~1885~~ 1879 (Resubmitted)
DATE RECEIVED 3-2-92
REVIEW DATE 3-11-92
DUE DATE 3-16-92
(DIS)APPROVED 3-13-92
WITHDRAWN

Docket No. 05.0009.0484
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 3/4/93
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 3-19-92
RETURNED TO AGENCY 3-17-92

✓ Rule as adopted (4 copies)

Notice to Solicit Outside Information/Opinion (if applicable)
Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
June 27, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
151.06, 217.06 Statutory Authority
✓ Small Business Statement
Expenditure of public money statement
Oct. 1, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
✓ Fees - § 16A.128 - sent letters to House and Senate finance approp

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Jan 13, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
January 13, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
Feb 26, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Feb 26, 1992 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
Bob Holly Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

Rules rcl

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: March 17, 1992

TO: DAVID E. HOLMSTROM
Executive Director
Minnesota Board of Pharmacy
Room 107
Colonial Office Park Building
2700 University Avenue, West
Suite 107
St. Paul

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Licensure Fees

The above-referenced rule has been approved as to its legality by the Attorney General on March 13, 1992.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

MJM:jj
Enclosures
cc: Robert T. Holley
William Brown, Chief Judge
MaryAnn Hruby

Board of Pharmacy

Adopted Permanent Rules Relating to Licensure Fees

Rules as Adopted

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of $75. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

Each pharmacist shall post the license or renewal in a conspicuous place within the pharmacy in which the pharmacist is practicing. For community pharmacies, this place shall be a place which is readily visible to the public.

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 $250 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. 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 $250 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

[For text of subp 3, see M.R.]

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of $175 shall be filed with the secretary of the board at least 30 days before the date the application is to be considered by the board. The board will consider applications for reciprocity in

at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

APPROVED AS TO FORM AND LEGALITY
3/13 1982
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 17 1982

Joan Anderson Growe
Secretary of State

10:15 AM

PRB

~~Reject~~ - resubmitted

same authority

Stat. Authority 151.06
The board of pharmacy shall have the power and shall be its duty:
subd 1(c) For provisions of subd aforesaid, it shall be the duty of the board to make and publish uniform rules not inconsistent herewith for carrying out and enforcing the provisions

~~Subd 21~~
Stat Authority 214.06
Notwithstanding any law to the contrary the commissioner of health as authorized by Sect. 214.13, all health-related licensing boards shall by rule, with the approval of the commissioner of finance.

16A.128

Resolution authorizing giving Notice of Intent authorizes David Holmstrom - Holstrom authorizes himself
~~Resolution authorizing~~

have it now PN 3-2-92

Findings of Fact
missing K (3) - fees - statement that before the Notice of Intent was adopted

~~Obtain~~ sent letters - to House approp and Senate Finance O.R PN 3-2-92

Q Fee - obtained approval from Finance but what about the letters to House Appropriations and Senate

12-16-91 Called Holmstrom said the letters were sent. I told him I needed copies prior to the expiration of the 14 days.

(over)

12-17-91 Bob Holly - no letters were sent — Reject
think about preparing a redraw

MINNESOTA BOARD OF PHARMACY

An Equal Opportunity Employer

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

Rec 3-2-92

February 26, 1992

Dr.

Patricia S. Nolte
Legal Assistant
Office of the Attorney General
Public Finance Division
525 Park St. Suite 500
St. Paul, MN 55103

Attention: Patricia S. Nolte

RE: In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Pharmacy Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

Dear Ms. Nolte:

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;

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;

10. copy of written comments received (none were received); and

11. statement of compliance with rulemaking procedures (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, enclosed herewith, is the approval from the Commissioner of Finance regarding the fee involved.

If there are any questions about this submission please notify me as soon as possible.

Very truly yours,

David E. Holmstrom
Executive Director

DEH:ekp

Enc. (11)

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 27th day of June, 1991, 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 a notice of intent to adopt rules without a public hearing for the purpose of amending existing Board rules relating to fees. If the statutorily required number of persons request a hearing in response to the notice, Mr. Holmstrom is also granted the authority and is directed to call such a hearing and to perform any and all acts incidental thereto, including the requesting of the appointment of an Administrative Law Judge, and complying with all the 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 16th day of Dec, 1991.

STATE OF MINNESOTA

BOARD OF PHARMACY

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Rules as Proposed

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of ~~$65~~ $75. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of ~~$25~~ an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

Each pharmacist shall post ~~his or her~~ the license or renewal in a conspicuous place within the pharmacy in which ~~he or she~~ the pharmacist is practicing ~~his or her profession~~. For community pharmacies, this place shall be a place which is readily visible to the public.

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~~ $250 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

Approved by Revisor

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. 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~~ $250 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

[For text of subp 3, see M.R.]

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~$165~~ $175 shall be filed with the secretary of the board at least 30 days before the date the application is to be

Approved
by Revisor _____

considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensure Fees

AGENCY: Board of Pharmacy

MINNESOTA RULES: Chapter 6800

The attached rules are approved for
publication in the State Register

Carla M. Riehle
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PHARMACY



In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (herinafter "Board") proposes to amend Minn. Rules pts. 6800.1150, 6800.1250, and 6800.1300 relating to fees. (11) 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 ADIVSED that:

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

(3) 2. Each comment should identify the portion of the proposed rules 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.

(5) 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 Park Building, 2700 University Avenue, West, Suite 107, 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 rules 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 porposed 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 adopt Minn Rules pts. 6800.1150, 6800.1250, and 6800.1300 is contained in Minn. Stat. sections 151.06, 214.06, and 16A.128. 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 adoption of 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 Rules is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

11. Promulgation of the porposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. (14) Likewise, it is not believed that the changes will hav a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

12. Any rules adopted pursuant to this proceeding shall be effective five working days after publication in the State Register of a notice of the adoption of the rules.

October 1, 1991

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Rules as Proposed

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

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[For text of subp 3, see M.R.]

6800.1300 RECIPROCITY.

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Approved
by Revisor _____

considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

Approved
by Revisor _____

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendment Relating to Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

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 need for and facts establishing the reasonableness of the above captioned proposed amendments to portions of the Board's rules. The statutory authority for these proposed rule changes is contained in Minn. Stat. section 214.06 which requires the Board to adjust fees so that the total fees collected "... will as closely as possible equal anticipated expenditures during the fiscal biennium." 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 relative to the proposed fees is incorporated herein.

Minnesota rules part 6800.1150 is the Board's current rule addressing pharmacist renewal and licensure fees. Minnesota rules part 6800.1250 is the Board's current rule on examination fees. Minnesota rules part 6800.1300 is the Board's current rule on reciprocity fees.

The Board is proposing to amend the rules relating to fees in order to establish fees that will ensure that the Board generates sufficient revenue

to cover its expenditures over the fiscal year 1992 -93 biennium as is required by Chapter 214.06.

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 last time that pharmacist renewal fees were increased was in January of 1989. At that time, the fee was increased to its present level of $65. Since the Board's total number of licensees in all categories has increased only very slightly in the past few years, the rising costs of operation of the Board has necessitated this fee increase.

General Board expenses associated with the operation of the Board are paid for through appropriations from the Legislature. During each biennium, 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. The legislative appropriation for fiscal years 1992 and 1993 were made in expectation of the Board increasing its fees as proposed herein in order to cover the increases granted.

The increases granted by the Legislature involve costs associated with bringing the Board's computerized licensing function in-house during fiscal year 1992 and the hiring of one additional surveyor and one additional clerical person in fiscal year 1993.

The table below indicates the amount of additional revenue anticipated from the proposed fees increases.

TABLE 1

FEE TITLE	PRESENT FEE	PROPOSED FEE	# PAYING FEE	ADD'TNL REVENUE GENERATED
Original Licensure Fee	$65	$75	121	$ 1,200
Pharmacist Renewal	$65	$75	4606	$46,060
Reciprocity Fee	$165	$175	82	$ 820
Examination Fee	$200	$250	134	$ 6,700

It should be noted that, in the above table, the Board is showing no increase in the money generated due to changes in the fee associated with late renewal of licenses. This is due partly to the very small number of licensees paying late fees and partly to the fact that the fee for late payment is intended as a deterrent to late payments rather than as a revenue producer.

The Board purchases portions of its examinations from the The National Association of Boards of Pharmacy. NABP makes available, to all pharmacy boards throughout the country, the standardized "NABPLEX" Examination and the standardized Federal Drug Law Examination, which the Board utilizes. In addition, the Board prepares a laboratory practical examination and an exmination on state drug laws.

NABP has announced a proposed increase in the cost of the Federal Drug Law Examination effective in 1992. In addition the Board finds that its expenses in administering both the NABPLEX and FDLE portions of the examination and the laboratory practical portion of the examination has increased in recent years.

Prior to 1990, the Board was able to obtain auditorium type rooms at the University of Minnesota for the administration of the written

examinations. These rooms were available at low cost to the Board. For the past two years, however, the auditoria at the University of Minnesota have not been available to the Board and the Board has, thus, had to resort to the rental of large ballroom type space at local hotels for the administration of the written portions of the examinations. This has increased the costs of exam administration rather dramatically. As a result, the Board finds it necessary to increase the examination fee to candidates for licensure by examination in Minnesota.

Even with the proposed examination fee increase, the Board finds that its exam fee is not substantially different from that charged in Wisconsin and North Dakota where most of the non-Minnesota candidates for licensure come from. The current examination fee in North Dakota is listed at $225 and the examination fee in Wisconsin is listed at $215. With the fee increases for the Federal Drug Law Examination recently announced by NABP, there is a good possibility that the fees in Wisconsin and North Dakota will be rising as well. Similarly, the average pharmacist license renewal fee for the five state area of North Dakota, South Dakota, Iowa, Nebraska, and Wisconsin is $88.40. Even with the increase being proposed at this time by the Board, the Minnesota license renewal fee for pharmacists is below the five state average.

Whenever 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 considered these methods and the feasibility of adopting any of the specific methods.

In addition to the licensure of pharmacists, the Board licenses pharmacies, drug manufacturers, 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 pharmacies in Minnesota qualify under the statutes as "small business" most actions of the Board do impact on "small business". Minn. Stat. 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 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.

The provisions in these proposed rules relating to licensure fees and examination fees do not impact on small business in that they address license fees of pharmacists personally as opposed to license fees applicable to the business.

In summary, the Board believes its proposed fees changes needed and reasonable in order to meet the requirement of balancing income and expenditures.

Attached is a copy of the approval of the fee increase from the Department of Finance and a copy of the Board's Fee Review documents.

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director
Minnesota Board of Pharmacy

STATE OF MINNESOTA

Department: of Finance

Office Memorandum

Date: September 18, 1991

To: David E. Holmstrom, Executive Director
Minnesota Board of Pharmacy

From: Bruce J. Reddemann, Director BJR.
Budget Operations

Phone: 296-5188

Subject: Fee Approval

The following fee schedule is approved as proposed to fund Board activities as submitted per your memorandum of September 4, 1991.

FEES FOR PHARMACISTS

FEE	PRESENT AMOUNT	APPROVED PROPOSED AMOUNT
Pharmacist Renewal Fees	$ 65.00	$ 75.00
Pharmacist Late Fees	25.00	37.50
Examination Fees	200.00	250.00
Partial Examination Fee	150.00	175.00
Partial Examination Fee	125.00	175.00
Partial Examination Fee	100.00	125.00
Partial Examination Fee	75.00	100.00
Original License Fee	65.00	75.00
Reciprocity Fee	165.00	175.00

cc Anne Barry
Pam Wheelock
Glenn Olson

SF-00CC6-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MINNESOTA BOARD OF PHARMACY

DATE : September 4, 1991

TO : Bruce J. Reddemann
Director, Budget Operation
Department of Finance

FROM : David E. Holmstrom
Executive Director

PHONE : 642-0541

SUBJECT : Fee Approval Request of September 4, 1991

As we indicated in our Fee Approval Request of June 5, 1991, which received your approval on August 2, 1991, the Board is proposing additional fee increases that will meet the Board's responsibilities under the FY2-FY3 budget request. In the Board's budget request for the current biennium, the Board proposed certain fee increases that would allow the Board to meet the legislative requirement that it's fee receipts equal or exceed the amount appropriated to the Board by the legislature over the biennium.

As can be seen from the attached, the Board is proposing to raise the license fee for pharmacists from $65 to $75. This fee increase will also affect the fee charged for candidates for licensure by reciprocity in that their original license fee is included in the reciprocity charge. Candidates for licensure by examination, on the other hand, are billed separately for their original license fee. Due to increased costs in obtaining the examination materials from the National Association of Boards of Pharmacy, however, and due to increased costs in preparing for the laboratory practical examination on a local basis, the Board is also proposing to increase the examination fees from $200 to $250.

The date of the proposed fee increase for all of the fees involved is December 15. License renewal applications for pharmacists are printed at that time and the new fee is proposed for inclusion on those renewal forms.

A completed fee review document is attached, along with a copy of the fee review from our biennial budget request.

If I can provide you with any additional information please don't hesitate to contact me.

DEH:pe

Enc.

Date Prepared: October 1, 1990

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Various

Legal Citation: M.S. 151, 152 and 214

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee: To ensure that all pharmacists in Minnesota are properly identified and that all facilities engaged in the distribution of prescription drugs are registered.

☐ Dedicated ☒ Non-Dedicated

Revenue Code:

APID: 21516:00 | Fund: 17 | Accumulated Difference Thru 1988: 219 | Dollars in Thousands (137,522=138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts	505	528	514	594	601
Less Actual/Anticipated Costs	414	480	503	568	625
Current Difference	91	48	11	26	(24)
Accumulated Difference	91	139	150	176	152
Number Paying Fee			See Below		
Present Fee			See Below		
Date Fee Last Changed			9/89		

Remarks:

# Paying Fee	Fee Explanation	FY 91 Fee Amount	Anticipated FY 92
4,537	Pharmacist Renewal Fees	$65.00	$75.00
Varies	Pharmacist Fees in Arrears	Varies	
108	Pharmacist Late Fees	$25.00	
1,143	Pharmacy Renewal Fees	$100.00	
Varies	Pharmacy Renewals in Arrears	Varies	
21	Pharmacy Late Fees	$50.00	
279	Wholesaler Renewal Fees	$100.00	$150.00
0	Wholesaler Renewals in Arrears	Varies	
12	Wholesaler Late Fees	$25.00	
156	Manufacturer Renewal Fees	$100.00	$150.00
0	Manufacturer Renewals in Arrears	Varies	
9	Manufacturer Late Fees	$25.00	

Continued on next page

Department Authorized Signature:

Finance Department Recommendation:

The Department of Finance recommends the adoption of fees at the levels identified by the Board.

Executive Budget Officer Signature:

FI-00194-07 (3/90)

Date Reported:
October 1, 1990

Department/Agency:
Board of Pharmacy

Budget Activity:
Board Operations

Fee Name:
Varies

Remarks:

# Paying Fees	Fee Explanation	FY 91 Fee Amount	Anticipated FY 92
58	Certificate of Rating	$10.00	
5	Duplicate Certificate	$20.00	
134	Examination Fee	$200.00	$225
0	Partial Examination Fee	$150.00	
5	Partial Examination Fee	$125.00	$150
2	Partial Examination Fee	$100.00	
5	Partial Examination Fee	$75.00	$100
118	Original Licensure Fee	$65.00	$75.00
72	Reciprocity Fee	$165.00	$175.00
191	Intern Registration Fee	$20.00	
Varies	Readmittance Fee	Varies	
1	Corporation Fee	$100.00	
0	Corporation Renewal Fee	$25.00	
64	Drug Researcher Fee	$25.00	
20	Medical Gas Distributor Fee	$50.00	
0	Medical Gas Distributor Late Fee	$25.00	
5	Proceedings Cost	Varies	
7	Service Charge	Varies	
Varies	Reimbursement of Expenses	Varies	

Agency recommends that certain fee amounts be increased in FY 92.

Department of Finance

FEE REVIEW

Date Prepared: September 3, 1991

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Various

Legal Citation: M.S. 151, 152 and 214

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee: To ensure that all pharmacists in Minnesota are properly identified and that all facilities engaged in the distribution of prescription drugs are registered.

☐ Dedicated ☒ Non-Dedicated

Revenue Code:

APID: 21516:00 | Fund: 17 | Accumulated Difference Thru 1988: 219 | Dollars in Thousands (137.522=138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts	505	528	514	594	601
Less Actual/Anticipated Costs	414	480	503	568	625
Current Difference	91	48	11	26	(24)
Accumulated Difference	91	139	150	176	152
Number Paying Fee			See Below		
Present Fee			See Below		
Date Fee Last Changed			9/89		

Remarks:

# Paying Fee	Fee Explanation	Proposed FY 92 Fee Amount
4,537	Pharmacist Renewal Fees	$75.00
Varies	Pharmacist Fees in Arrears	Varies
108	Pharmacist Late Fees	$37.50
1,143	Pharmacy Renewal Fees	$100.00
Varies	Pharmacy Renewals in Arrears	Varies
21	Pharmacy Late Fees	$50.00
129	Wholesaler Renewal Fees (Prescription or Prescription/Non-Prescription)	$150.00
109	Wholesaler Renewal Fees (Non-Prescription/Veterinary or Gases)	$100.00
75	Wholesaler Renewal Fees (Pharmacy)	$75.00
98	Manufacturer Renewal Fees (Prescription or Prescription/Non-Prescription)	$150.00

Department Authorized Signature: David Holmstrom

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00194-07 (3/90)

FEE REVIEW - Attachment

Date Prepared: September 3, 1991

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Various

Remarks:

# Paying Fees	Fee Explanation	Proposed FY 92 Fee Amount
101	Manufacturer Renewal Fees (Non-Prescription/Veterinary or Gases)	$100.00
7	Manufacturer Renewal Fees (Pharmacies)	$75.00
58	Certificate of Ratings	$10.00
5	Duplicate Certificate	$20.00
134	Examination Fees	$250.00
0	Partial Examination Fee	$175.00
5	Partial Examination Fee	$175.00
2	Partial Examination Fee	$125.00
5	Partial Examination Fee	$100.00
118	Original Licensure Fee	$75.00
72	Reciprocity Fee	$175.00
191	Intern Registration Fee	$20.00
Varies	Readmittance Fee	Varies
1	Corporation Fee	$100.00
0	Corporation Renewal Fee	$25.00
64	Drug Researcher Fee	$25.00
20	Medical Gas Distributor Fee	$50.00
0	Medical Gas Late Fee	$25.00
5	Proceedings Cost	Varies
7	Service Charge	Varies
Varies	Reimbursement of Expenses	Varies

FEE REVIEW - Details of Cost

Date Prepared: September 3, 1991

Department/Agency: Board of Pharmacy

Budget Activity: Budget Operations

Fee Name: Various

Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-07 Dollars in Thousands (137,522 = 138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Agency Direct Expenditures	400	465	484	554	609
Salary Increases	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		
Attorney General	17	14	18	20	20
Statewide Indirect	10	10	10	10	10
Agency Indirect	4	5	4	4	5
Totals: must agree with cost on Fee Review Form	414	480	503	568	625

Remarks:

Please note that the Attorney General costs are an "off budget" item for the licensing boards. The costs must still be covered by fees, however.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES 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 13th day of January, 1992.

That on the 13th day of January 1992, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules 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 14th day of January, 1992.

BETTY L. MESSERVEY
NOTARY PUBLIC-MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES AUGUST 23, 1996

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations

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 13th day of January, 1992.

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.

E. Kristen Perry

list as of 1/10/92

Gerrit Heida
General Manager
Affiliated Independent Druggists Inc.
213 E. Railroad Avenue P.O. Box 116
Aberdeen, SD 57401

AM Society for Automation in Pharmacy
1750 Walton Raod
Blue Bell, PA 19422

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State Government Affairs
AM Society of Hospital Pharmacists
4630 Montgomery Ave.
Bethesda, MD 20814

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Coon Rapids, MN 55433

The Annex Teen Clinic
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Robbinsdale, MN 55422

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Ass't. Director BCA Lab.
c/o BCA Lab
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St. Paul, MN 55104

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13961 North 60th Street
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Director
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St. Paul, MN 55114

MN Board of Medical Examiners
2700 University Ave. W. #106
St. Paul, MN 55114

MN Board of Nursing
2700 University Ave. W. #108
St. Paul, MN 55114

MN Board of Nursing Home Administrators
2700 University Ave. W. #104
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MN POST Board
333 Sibley St. #495
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MN Board of Psychologists
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Rules as Proposed

3600.0030 APPLICATION PROCESS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Other information required.** An applicant to the full-time high school program must submit a school record ~~and two recommendations. The recommendations must be submitted on forms provided by the center. One recommendation must be from an academic source selected by the applicant's school principal. The other recommendation must be from an artistic reference chosen by the applicant~~.

-- [For text of subp 4, see M.R.]

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend *Minnesota Rules* pts. 6800.1150, 6800.1250, and 6800.1300 relating to fees. 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 rules 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 Park Building, 2700 University Avenue West, Suite 107, 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 rules 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).

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 adopt *Minnesota Rules* pts. 6800.1150, 6800.1250, and 6800.1300 is contained in *Minnesota Statute* sections 151.06, 214.06, and 16A.128. 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 adoption of rules relating to fees is required by *Minnesota Statute* section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed Rules 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 rules adopted pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the rules.

Dated: 1 October 1991

David E. Holmstrom
Executive Director

Rules as Proposed

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of ~~$65~~ $75. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of ~~$25~~ an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

Each pharmacist shall post ~~his or her~~ the license or renewal in a conspicuous place within the pharmacy in which ~~he or she~~ the pharmacist is practicing ~~his or her profession~~. For community pharmacies, this place shall be a place which is readily visible to the public.

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~~ $250 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. 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~~ $250 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

[For text of subp 3, see M.R.]

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~$165~~ $175 shall be filed with the secretary of the board at least 30 days before the date the application is to be considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

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.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Relating to the Fees for the Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations

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 the resolutions adopted at a meeting of the Board, duly and properly called and held on the 26th day of February, 1992, 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 proposed rule relating to the fee for the licensure of pharmacists, pharmacist renewals, reciprocity and examinations be and hereby is approved and adopted pursuant to authority vested in the Board of Pharmacy by Minnesota Statutes 151.06, subdivision 1 (c) and 214.06, subdivision 1, and that David E. Holmstrom, Executive Director of the Board of Pharmacy, be and hereby is authorized to sign the Findings of Fact, Conclusion, 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 and is authorized to perform the necessary acts to provide that this rule will have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of Feb., 1992.

George Medich

President of the Board

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Relating to the Fees for Licensure of Pharmcists, Pharmacist Renewals, Reciprocity, and Examinations.

FINDINGS OF FACT, CONCLUSION AND ORDER ADOPTING RULES WITHOUT A PUBLIC HEARING

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on January 13, 1992 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 13, 1992.(3) On December 27, 1991, Notice was sent to the chairs of the Senate Finance and House Appropriations Committees as required by Minnesota Statutes, section 16A.128, subdivision 2a. 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.(2) A copy of the Statement of Need and Reasonableness was mailed to the office of the Legislative Committee to Review Administrative Rules as required by Minnesota Statutes, sections 14.131 and 14.23.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking.(5) No requests for a public hearing on the rule were received by the agency.

(7) 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 comments and evidence in the record before the agency, I find the following:

(8) The above-captioned rule as it relates to fees is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Relating to Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations is adopted this 26th day of February, 1992, pursuant to authority vested in the Board by Minnesota Statutes, section 151.06.

(9)

David G. 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
Rule Amendments Relating to the
Fees for Licensure of Pharmacists,
Pharmacist Renewals, Reciprocity,
and Examinations.

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: February 29, 1992

SPEED LETTER®

TO Patty Nolte

FROM Bob Holley

SUBJECT Pharmacy Fee Rules

FOLD NO. 9 or 10

MESSAGE

Attached for inclusion in the Pharmacy Board fee rule record which I delivered earlier today are the requested copies of letters to the House and Senate. Also attached for addition to the record is a letter to the LCRAR. Please let me know if anything further may be required. 3/2/92 RTH

DATE SIGNED

REPLY

cc David Holmstrom

FOLD FOR NO. 9

FOLD FOR NO. 10

DATE SIGNED

WilsonJones • Carbonless • MADE IN U.S.A.

December 26, 1991

Maryanne Hruby, Director
Legislative Commission to
Review Administrative Rules
55 State Office Bldg.
St. Paul, MN 55155

Dear Maryanne:

In the the event that we have not previously submitted copies of the Board's Statement of Need and Reasonableness in the two separate rule change packages the Board currently has in process, I am herewith enclosing copies of the SONAR for our rule relating to a fee change for pharmacist registration and the SONAR for new rules relating to the licensing of wholesale drug distributors.

If you have any questions on either of these statements, please don't hesitate to contact me.

Very truly yours,

David E. Holmstrom
Executive Director

DEH:ekp

Enclosures (2)

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MINNESOTA BOARD OF PHARMACY

DATE : December 27, 1991

TO : Senator Eugene R. Merriam
122 State Capitol
St. Paul, MN 55155

FROM : David E. Holmstrom
Executive Director

PHONE : 642-0541

SUBJECT : Proposed Rule Changes Involving Fees

In accordance with the requirements of Minnesota Statutes 16A.128, subdivision 2a, a copy of Board of Pharmacy proposed rules relating to the fees for licensure of pharmacists, pharmacist renewals, reciprocity and examinations is being sent to you. Also enclosed is a copy of the Notice of Intent to Adopt Rules Without a Public Hearing.

These rules are needed in order for our receipts to balance our authorized expenditures over the 92-93 biennium.

DEH:pe

Enc.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MINNESOTA BOARD OF PHARMACY

DATE : December 27, 1991

TO : Representative Wayne A. Simoneau
Room 365 State Office Building
St. Paul, MN 55155

FROM : David E. Holmstrom
Executive Director

PHONE : 642-0541

SUBJECT : Proposed Rule Changes Involving Fees

In accordance with the requirements of Minnesota Statutes 16A.128, subdivision 2a, a copy of Board of Pharmacy proposed rules relating to the fees for licensure of pharmacists, pharmacist renewals, reciprocity and examinations is being sent to you. Also enclosed is a copy of the Notice of Intent to Adopt Rules Without a Public Hearing.

These rules are needed in order for our receipts to balance our authorized expenditures over the 92-93 biennium.

DEH:pe

Enc.

16A.128 Watch for letters from House MSC appropriations and Senate Finance 12-23-91
if don't get the letters reject.

RULE REVIEW CHECKLIST

no letters sent Reject

File No. 1879 Docket No. 05 0009 0484

DATE RECEIVED 12-16-91 ADOPTED W/O HEARING _____

REVIEW DATE 12-26-91 EMERGENCY RULE _____

DUE DATE 12-30-91 TO REVISOR ON 12/23/91

(DIS)APPROVED _____ REVISOR (DIS)APPROVED _____

WITHDRAWN 12-23-91 mjc FILED W/SEC. OF STATE _____

RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)

_____ Date published in State Register

_____ Comments

_____ Petition for Adoption of a Rule

_____ Board's Authorizing Resolution

June 27, 1991 Date adopted - signed Dec 16, 1991 - authorized David Holmstrom Executive Director

✓ Proposed Rule

✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule

151.06 · 214.06 Statutory Authority

_____ Small Business Statement

_____ Expenditure of public money statement

October 1, 1991 Signature

✓ Statement of Need and Reasonableness (if applicable)

✓ Small Business Statement

_____ Fees - § 16A.128 - no letters received permission from finance

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

October 17, 1991 Dated 30/25 days before adoption

✓ Notice attached indicates it is attached

_____ Copy of rule or summary attached

✓ Publication in State Register

October 21, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:

_____ Effective date of law requiring rule (14.12) (both rules) amendments don't apply

_____ end of comment period (§ 14.26) (rules without hearing)

_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting

December 10, 1991 Date adopted - authorized Patricia DeLaPointe President

✓ Findings of Fact, Conclusions & Order Adopting

December 10, 1991 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney

Bob Holly Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (herinafter "Board") proposes to amend Minn. Rules pts. 6800.1150, 6800.1250, and 6800.1300 relating to fees. (11) 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 ADIVSED that:

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

(3) 2. Each comment should identify the portion of the proposed rules 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. (5) 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 Park Building, 2700 University Avenue, West, Suite 107, St. Paul, Minnesota 55114-1079.

(6) 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.

(8) 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. (4) A public hearing will be held only if 25 or more persons submit, in writing, requests for a hearing on the proposed rules or a portion thereof within 30 days of this notice. (7) If a hearing is required, it will be held in accordance with the provisions of Minn. Stat. 14.131 to 14.20 (1986).

(9) 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 porposed 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 adopt Minn Rules pts. 6800.1150, 6800.1250, and 6800.1300 is contained in Minn. Stat. sections 151.06, 214.06, and 16A.128. 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 adoption of 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 Rules is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

11. Promulgation of the porposed 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 hav a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

12. Any rules adopted pursuant to this proceeding shall be effective five working days after publication in the State Register of a notice of the adoption of the rules.

October 1, 1991

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Rules as Proposed

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of ~~$65~~ $75. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of ~~$25~~ an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

Each pharmacist shall post ~~his or her~~ the license or renewal in a conspicuous place within the pharmacy in which ~~he or she~~ the pharmacist is practicing ~~his or her profession~~. For community pharmacies, this place shall be a place which is readily visible to the public.

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~~ $250 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

Approved by Revisor

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. 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~~ $250 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

[For text of subp 3, see M.R.]

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~$165~~ $175 shall be filed with the secretary of the board at least 30 days before the date the application is to be

Approved by Revisor _____

considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

Approved
by Revisor _____

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Rules as Proposed

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Approved by Revisor _____

considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Licensure Fees

AGENCY: Board of Pharmacy

MINNESOTA RULES: Chapter 6800

The attached rules are approved for
publication in the State Register

Carla M. Riehle
Assistant Revisor

Board of Pharmacy

Adopted Permanent Rules Relating to Licensure Fees

Rules as Adopted

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of $75. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

Each pharmacist shall post the license or renewal in a conspicuous place within the pharmacy in which the pharmacist is practicing. For community pharmacies, this place shall be a place which is readily visible to the public.

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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. 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.

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[For text of subp 3, see M.R.]

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Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of $175 shall be filed with the secretary of the board at least 30 days before the date the application is to be considered by the board. The board will consider applications for reciprocity in

at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Licensure Fees

AGENCY: Board of Pharmacy

MINNESOTA RULES: Chapter 6800

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

Carla M. Riehle

Carla M. Riehle
Assistant Revisor

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendment Relating to Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

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 need for and facts establishing the reasonableness of the above captioned proposed amendments to portions of the Board's rules. The statutory authority for these proposed rule changes is contained in Minn. Stat. section 214.06 which requires the Board to adjust fees so that the total fees collected "... will as closely as possible equal anticipated expenditures during the fiscal biennium." 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 relative to the proposed fees is incorporated herein.

Minnesota rules part 6800.1150 is the Board's current rule addressing pharmacist renewal and licensure fees. Minnesota rules part 6800.1250 is the Board's current rule on examination fees. Minnesota rules part 6800.1300 is the Board's current rule on reciprocity fees.

The Board is proposing to amend the rules relating to fees in order to establish fees that will ensure that the Board generates sufficient revenue

to cover its expenditures over the fiscal year 1992 -93 biennium as is required by Chapter 214.06.

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 last time that pharmacist renewal fees were increased was in January of 1989. At that time, the fee was increased to its present level of $65. Since the Board's total number of licensees in all categories has increased only very slightly in the past few years, the rising costs of operation of the Board has necessitated this fee increase.

General Board expenses associated with the operation of the Board are paid for through appropriations from the Legislature. During each biennium, 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. The legislative appropriation for fiscal years 1992 and 1993 were made in expectation of the Board increasing its fees as proposed herein in order to cover the increases granted.

The increases granted by the Legislature involve costs associated with bringing the Board's computerized licensing function in-house during fiscal year 1992 and the hiring of one additional surveyor and one additional clerical person in fiscal year 1993.

The table below indicates the amount of additional revenue anticipated from the proposed fees increases.

TABLE 1

FEE TITLE	PRESENT FEE	PROPOSED FEE	# PAYING FEE	ADD'TNL REVENUE GENERATED
Original Licensure Fee	$65	$75	121	$ 1,200
Pharmacist Renewal	$65	$75	4606	$46,060
Reciprocity Fee	$165	$175	82	$ 820
Examination Fee	$200	$250	134	$ 6,700

It should be noted that, in the above table, the Board is showing no increase in the money generated due to changes in the fee associated with late renewal of licenses. This is due partly to the very small number of licensees paying late fees and partly to the fact that the fee for late payment is intended as a deterrent to late payments rather than as a revenue producer.

The Board purchases portions of its examinations from the The National Association of Boards of Pharmacy. NABP makes available, to all pharmacy boards throughout the country, the standardized "NABPLEX" Examination and the standardized Federal Drug Law Examination, which the Board utilizes. In addition, the Board prepares a laboratory practical examination and an exmination on state drug laws.

NABP has announced a proposed increase in the cost of the Federal Drug Law Examination effective in 1992. In addition the Board finds that its expenses in administering both the NABPLEX and FDLE portions of the examination and the laboratory practical portion of the examination has increased in recent years.

Prior to 1990, the Board was able to obtain auditorium type rooms at the University of Minnesota for the administration of the written

examinations. These rooms were available at low cost to the Board. For the past two years, however, the auditoria at the University of Minnesota have not been available to the Board and the Board has, thus, had to resort to the rental of large ballroom type space at local hotels for the administration of the written portions of the examinations. This has increased the costs of exam administration rather dramatically. As a result, the Board finds it necessary to increase the examination fee to candidates for licensure by examination in Minnesota.

Even with the proposed examination fee increase, the Board finds that its exam fee is not substantially different from that charged in Wisconsin and North Dakota where most of the non-Minnesota candidates for licensure come from. The current examination fee in North Dakota is listed at $225 and the examination fee in Wisconsin is listed at $215. With the fee increases for the Federal Drug Law Examination recently announced by NABP, there is a good possibility that the fees in Wisconsin and North Dakota will be rising as well. Similarly, the average pharmacist license renewal fee for the five state area of North Dakota, South Dakota, Iowa, Nebraska, and Wisconsin is $88.40. Even with the increase being proposed at this time by the Board, the Minnesota license renewal fee for pharmacists is below the five state average.

Whenever 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 considered these methods and the feasibility of adopting any of the specific methods.

In addition to the licensure of pharmacists, the Board licenses pharmacies, drug manufacturers, 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 pharmacies in Minnesota qualify under the statutes as "small business" most actions of the Board do impact on "small business". Minn. Stat. 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 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.

The provisions in these proposed rules relating to licensure fees and examination fees do not impact on small business in that they address license fees of pharmacists personally as opposed to license fees applicable to the business.

In summary, the Board believes its proposed fees changes needed and reasonable in order to meet the requirement of balancing income and expenditures.

Attached is a copy of the approval of the fee increase from the Department of Finance and a copy of the Board's Fee Review documents.

David E. Holmstrom

DAVID E. HOLMSTROM
Executive Director
Minnesota Board of Pharmacy

STATE OF MINNESOTA

Office Memorandum

Department: of Finance

Date: September 18, 1991

To: David E. Holmstrom, Executive Director
Minnesota Board of Pharmacy

From: Bruce J. Reddemann, Director BJR.
Budget Operations

Phone: 296-5188

Subject: Fee Approval

The following fee schedule is approved as proposed to fund Board activities as submitted per your memorandum of September 4, 1991.

FEES FOR PHARMACISTS

FEE	PRESENT AMOUNT	APPROVED PROPOSED AMOUNT
Pharmacist Renewal Fees	$ 65.00	$ 75.00
Pharmacist Late Fees	25.00	37.50
Examination Fees	200.00	250.00
Partial Examination Fee	150.00	175.00
Partial Examination Fee	125.00	175.00
Partial Examination Fee	100.00	125.00
Partial Examination Fee	75.00	100.00
Original License Fee	65.00	75.00
Reciprocity Fee	165.00	175.00

cc Anne Barry
Pam Wheelock
Glenn Olson

SF-00CC6-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : MINNESOTA BOARD OF PHARMACY

DATE : September 4, 1991

TO : Bruce J. Reddemann
Director, Budget Operation
Department of Finance

FROM : David E. Holmstrom
Executive Director

PHONE : 642-0541

SUBJECT : Fee Approval Request of September 4, 1991

As we indicated in our Fee Approval Request of June 5, 1991, which received your approval on August 2, 1991, the Board is proposing additional fee increases that will meet the Board's responsibilities under the FY2-FY3 budget request. In the Board's budget request for the current biennium, the Board proposed certain fee increases that would allow the Board to meet the legislative requirement that it's fee receipts equal or exceed the amount appropriated to the Board by the legislature over the biennium.

As can be seen from the attached, the Board is proposing to raise the license fee for pharmacists from $65 to $75. This fee increase will also affect the fee charged for candidates for licensure by reciprocity in that their original license fee is included in the reciprocity charge. Candidates for licensure by examination, on the other hand, are billed separately for their original license fee. Due to increased costs in obtaining the examination materials from the National Association of Boards of Pharmacy, however, and due to increased costs in preparing for the laboratory practical examination on a local basis, the Board is also proposing to increase the examination fees from $200 to $250.

The date of the proposed fee increase for all of the fees involved is December 15. License renewal applications for pharmacists are printed at that time and the new fee is proposed for inclusion on those renewal forms.

A completed fee review document is attached, along with a copy of the fee review from our biennial budget request.

If I can provide you with any additional information please don't hesitate to contact me.

DEH:pe

Enc.

Date Prepared: October 1, 1990

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Various

Legal Citation: M.S. 151, 152 and 214

Fee Set By: [ ] Law [X] Agency

Purpose of Fee: To ensure that all pharmacists in Minnesota are properly identified and that all facilities engaged in the distribution of prescription drugs are registered.

[ ] Dedicated [X] Non-Dedicated

Revenue Code:

APID:	Fund:	Accumulated Difference Thru 1988:	Dollars in Thousands (137,522=138)
21516:00	17	219	

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts	505	528	514	594	601
Less Actual/Anticipated Costs	414	480	503	568	625
Current Difference	91	48	11	26	(24)
Accumulated Difference	91	139	150	176	152
Number Paying Fee			See Below		
Present Fee			See Below		
Date Fee Last Changed			9/89		

Remarks:

# Paying Fee	Fee Explanation	FY 91 Fee Amount	Anticipated FY 92
4,537	Pharmacist Renewal Fees	$65.00	$75.00
Varies	Pharmacist Fees in Arrears	Varies	
108	Pharmacist Late Fees	$25.00	
1,143	Pharmacy Renewal Fees	$100.00	
Varies	Pharmacy Renewals in Arrears	Varies	
21	Pharmacy Late Fees	$50.00	
279	Wholesaler Renewal Fees	$100.00	$150.00
0	Wholesaler Renewals in Arrears	Varies	
12	Wholesaler Late Fees	$25.00	
156	Manufacturer Renewal Fees	$100.00	$150.00
0	Manufacturer Renewals in Arrears	Varies	
9	Manufacturer Late Fees	$25.00	

Continued on next page

Department Authorized Signature: David G. Holmstrom

Finance Department Recommendation:

The Department of Finance recommends the adoption of fees at the levels identified by the Board.

Executive Budget Officer Signature: Amela Wkulcek

FI-00194-07 (3/90)

Date Prepared: October 1, 1990

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Varies

Remarks:

# Paying Fees	Fee Explanation	FY 91 Fee Amount	Anticipated FY 92
58	Certificate of Rating	$10.00	
5	Duplicate Certificate	$20.00	
134	Examination Fee	$200.00	$225
0	Partial Examination Fee	$150.00	
5	Partial Examination Fee	$125.00	$150
2	Partial Examination Fee	$100.00	
5	Partial Examination Fee	$75.00	$100
118	Original Licensure Fee	$65.00	$75.00
72	Reciprocity Fee	$165.00	$175.00
191	Intern Registration Fee	$20.00	
Varies	Readmittance Fee	Varies	
1	Corporation Fee	$100.00	
0	Corporation Renewal Fee	$25.00	
64	Drug Researcher Fee	$25.00	
20	Medical Gas Distributor Fee	$50.00	
0	Medical Gas Distributor Late Fee	$25.00	
5	Proceedings Cost	Varies	
7	Service Charge	Varies	
Varies	Reimbursement of Expenses	Varies	

Agency recommends that certain fee amounts be increased in FY 92.

Department of Finance

FEE REVIEW

Date Prepared: September 3, 1991

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Various

Legal Citation: M.S. 151, 152 and 214

Fee Set By: ☐ Law ☒ Agency

Purpose of Fee: To ensure that all pharmacists in Minnesota are properly identified and that all facilities engaged in the distribution of prescription drugs are registered.

☐ Dedicated ☒ Non-Dedicated

Revenue Code:

APID: 21516:00

Fund: 17

Accumulated Difference Thru 1988: 219

Dollars in Thousands (137.522=138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Actual/Anticipated Receipts	505	528	514	594	601
Less Actual/Anticipated Costs	414	480	503	568	625
Current Difference	91	48	11	26	(24)
Accumulated Difference	91	139	150	176	152
Number Paying Fee			See Below		
Present Fee			See Below		
Date Fee Last Changed			9/89		

Remarks:

# Paying Fee	Fee Explanation	Proposed FY 92 Fee Amount
4,537	Pharmacist Renewal Fees	$75.00
Varies	Pharmacist Fees in Arrears	Varies
108	Pharmacist Late Fees	$37.50
1,143	Pharmacy Renewal Fees	$100.00
Varies	Pharmacy Renewals in Arrears	Varies
21	Pharmacy Late Fees	$50.00
129	Wholesaler Renewal Fees (Prescription or Prescription/Non-Prescription)	$150.00
109	Wholesaler Renewal Fees (Non-Prescription/Veterinary or Gases)	$100.00
75	Wholesaler Renewal Fees (Pharmacy)	$75.00
98	Manufacturer Renewal Fees (Prescription or Prescription/Non-Prescription)	$150.00

Department Authorized Signature: David Holmstrom

Finance Department Recommendation:

Executive Budget Officer Signature:

FI-00194-07 (3/90)

FEE REVIEW - Attachment

Date Prepared: September 3, 1991

Department/Agency: Board of Pharmacy

Budget Activity: Board Operations

Fee Name: Various

Remarks:

# Paying Fees	Fee Explanation	Proposed FY 92 Fee Amount
101	Manufacturer Renewal Fees (Non-Prescription/Veterinary or Gases)	$100.00
7	Manufacturer Renewal Fees (Pharmacies)	$75.00
58	Certificate of Ratings	$10.00
5	Duplicate Certificate	$20.00
134	Examination Fees	$250.00
0	Partial Examination Fee	$175.00
5	Partial Examination Fee	$175.00
2	Partial Examination Fee	$125.00
5	Partial Examination Fee	$100.00
118	Original Licensure Fee	$75.00
72	Reciprocity Fee	$175.00
191	Intern Registration Fee	$20.00
Varies	Readmittance Fee	Varies
1	Corporation Fee	$100.00
0	Corporation Renewal Fee	$25.00
64	Drug Researcher Fee	$25.00
20	Medical Gas Distributor Fee	$50.00
0	Medical Gas Late Fee	$25.00
5	Proceedings Cost	Varies
7	Service Charge	Varies
Varies	Reimbursement of Expenses	Varies

FEE REVIEW - Details of Cost

Date Prepared: September 3, 1991

Department/Agency: Board of Pharmacy

Budget Activity: Budget Operations

Fee Name: Various

Detailed Listing of Items Included as Costs on Fee Review Form FI-00194-07 Dollars in Thousands (137,522 = 138)

Fiscal Year	Actual F.Y. 89	Actual F.Y. 90	Estimated F.Y. 91	Requested F.Y. 92	Requested F.Y. 93
Agency Direct Expenditures	400	465	484	554	609
Salary Increases	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX		
Attorney General	17	14	18	20	20
Statewide Indirect	10	10	10	10	10
Agency Indirect	4	5	4	4	5
Totals: must agree with cost on Fee Review Form	414	480	503	568	625

Remarks:

Please note that the Attorney General costs are an "off budget" item for the licensing boards. The costs must still be covered by fees, however.

STATE OF MINNESOTA

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations

ORDER OF WITHDRAWAL OF RULES FROM REVIEW BY THE ATTORNEY GENERAL

PLEASE TAKE NOTICE that pursuant to the authority conferred upon me by the Minnesota Board of Pharmacy and in accordance with the requirements set forth at Minn. Rules pt. 2010.1100 (1991), the above-captioned rules are hereby withdrawn from review by the Attorney General this 23rd day of December, 1991.

DAVID E. HOLMSTROM
Executive Director

RECEIVED

DEC 23 1991

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

MINNESOTA BOARD OF PHARMACY

An Equal Opportunity Employer

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

December 16, 1991

Patricia S. Nolte
Legal Assistant
Office of the Attorney General
Public Finance Division
525 Park St. Suite 500
St. Paul, MN 55103

Attention: Patricia S. Nolte

RE: In the Matter of the Proposed Adoption of Rules of the Minnesota Board of Pharmacy Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

Dear Ms. Nolte:

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;

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;

10. copy of written comments received (None were received); and

11. statement of compliance with rulemaking procedures (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, enclosed herewith is the approval from the Commissioner of Finance regarding the fee involved.

If there are any questions about this submission please notify me as soon as possible.

Very truly yours,

David E. Holmstrom
Executive Director

DEH:ekp

Enc. (11)

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULES 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 17th day of October, 1991.

That on the 17th day of October 1991, at the City of Minneapolis, County of Hennepin, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules 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 17th day of October, 1991.

Lois Kauppila

LOIS KAUPPILA
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES APRIL 28, 1992

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Amendments Relating to the Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations

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 17th day of October, 1991.

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.

E. Kristen Perry

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 27th day of June, 1991, 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 a notice of intent to adopt rules without a public hearing for the purpose of amending existing Board rules relating to fees. If the statutorily required number of persons request a hearing in response to the notice, Mr. Holmstrom is also granted the authority and is directed to call such a hearing and to perform any and all acts incidental thereto, including the requesting of the appointment of an Administrative Law Judge, and complying with all the 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 16th day of Dec, 1991.

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

In the Matter of the Proposed Rule Relating to the Fees for the Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations

CERTIFICATE OF THE MINNESOTA BOARD OF PHARMACY RESOLUTION ADOPTING THE RULE

I, B. Patricia DeLaPointe, 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 the resolutions adopted at a meeting of the Board, duly and properly called and held on the 10th day of December, 1991, 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 proposed rule relating to the fee for the licensure of pharmacists, pharmacist renewals, reciprocity and examinations be and hereby is approved and adopted pursuant to authority vested in the Board of Pharmacy by Minnesota Statutes 151.06, subdivision 1 (c) and 214.06, subdivision 1, and that David E. Holmstrom, Executive Director of the Board of Pharmacy, be and hereby is authorized to sign the Findings of Fact, Conclusion, 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 and is authorized to perform the necessary acts to provide that this rule will have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of Dec, 1991.

B. Patricia DeLaPointe
President of the Board

Attest by one other Board member

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed Rule Relating to the Fees for Licensure of Pharmcists, Pharmacist Renewals, Reciprocity, and Examinations.

FINDINGS OF FACT, CONCLUSION AND ORDER ADOPTING WITHOUT PUBLIC HEARING

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on October 21, 1991 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 October 17, 1991. (2) 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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency.

(7) 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 comments and evidence in the record before the agency, I find the following:

(8) The above-captioned rule as it relates to fees is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Relating to Fees for Licensure of Pharmacists, Pharmacist Renewals, Reciprocity, and Examinations is adopted this 10th day of December, 1991, pursuant to authority vested in the Board by Minnesota Statutes, section 151.06.

(9)

David E. Holmstrom

Executive Director
Minnesota Board of Pharmacy

(24) Tetrachloroethene;

(25) Chlorodibromomethane;

(26) 1,2-Dibromoethane;

(27) Chlorobenzene;

(28) 1,1,1,2-Tetrachloroethane;

(29) Bromoform;

(30) 1,1,2,2-Tetrachloroethane;

(31) 1,2,3-Trichloropropane;

(32) Bromobenzene;

(33) 2-Chlorotoluene;

(34) 4-Chlorotoluene;

(35) 1,3-Dichlorobenzene;

(36) 1,4-Dichlorobenzene;

(37) 1,2-Dichlorobenzene;

(38) 1,2-Dibromo-3-Chloropropane;

(39) Benzene;

(40) Toluene;

(41) Ethylbenzene;

(42) m + p-Xylene;

(43) o-Xylene; and

(44) Styrene.

Board of Pharmacy

Proposed Permanent Rules Relating to Licensure Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend *Minnesota Rules* pts. 6800.1150, 6800.1250, and 6800.1300 relating to fees. 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 rules 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 Park Building
2700 University Avenue, West
Suite 107
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 rules 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).

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 adopt *Minnesota Rules* pts. 6800.1150, 6800.1250, and 6800.1300 is contained in *Minnesota Statutes* sections 151.06, 214.06, and 16A.128. 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 adoption of rules relating to fees is required by *Minnesota Statute* section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed Rules 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 rules adopted pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the rules.

Dated: 1 October 1991

David E. Holmstrom
Executive Director

Rules as Proposed

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of ~~$65~~ $75. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of ~~$25~~ an amount equal to 50 percent of the renewal fee in addition to the renewal fee.

Each pharmacist shall post ~~his or her~~ the license or renewal in a conspicuous place within the pharmacy in which ~~he or she~~ the pharmacist is practicing ~~his or her profession~~. For community pharmacies, this place shall be a place which is readily visible to the public.

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~~ $250 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. Before taking the

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.

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~~ $250 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

[For text of subp 3, see M.R.]

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~$165~~ $175 shall be filed with the secretary of the board at least 30 days before the date the application is to be considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

[For text of subps 2 to 6, see M.R.]

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 Health

Adopted Permanent Rules Relating to Registration Fee for Home Care Providers

The rules proposed and published at *State Register*, Volume 15, Number 48, pages 2522-2526, May 28, 1991 (15 SR 2522), are adopted with the following modifications:

Rules as Adopted

4667.0010 DEFINITIONS.

Subp. 2. **Annual revenues; revenues.** "Annual revenues" means one-third of the total revenues derived from the provision of home care services and services of a hospice program, in Minnesota, during the period July 1, 1987 to June 30, 1990. "Revenues" means all money or the value of property or services received, including fees for services, grants, bequests, gifts, donations, appropriations of public money, and earned interest and dividends.

Subp. 3. **Class A provider.** "Class A provider" means a home care provider, other than an individual class C provider, that provides one or more home care services, at least one of which is nursing services, physical therapy, speech therapy, respiratory therapy, occupational therapy, nutritional services, or medical social services.

4667.0015 REGISTRATION FEE.

A registrant shall pay a fee to the commissioner according to the schedule in part 4667.0030. The commissioner ~~may~~ shall require a registrant to report its revenues.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA

BOARD OF PHARMACY

In the Matter of the Proposed
Rule Amendments Relating to the
Fees for Licensure of Pharmacists,
Pharmacist Renewals, Reciprocity,
and Examinations

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
Special Assistant
Attorney General

Dated: 12/16/91

RECEIVED
DEC 16 1990
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