



[Minnesota Board of Pharmacy.](#)
[Minutes.](#)

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MINNESOTA STATE BOARD OF PHARMACY

Four Hundred Thirty - Fourth Meeting

January 12, 1969. At approximately 8:15 o'clock P.M., Vice President Kitty Alcott called the meeting to order in the Pick-Nicollet Hotel, Minneapolis, Minnesota. Members in attendance were: Vice President Kitty Alcott, Mr. John H. Nelson, Mr. John E. Quistgard and Mr. Lowell J. Anderson. Also present was the Board's secretary, Paul G. Grussing.

The Board members noted the appointment of Mr. Lowell J. Anderson to the Board by Governor Harold LeVander. Mr. Anderson received the compliments, official welcome and best wishes of the Board members for a productive and interesting term on the Minnesota State Board of Pharmacy.

Mr. Quistgard moved and Mr. Nelson seconded that Mrs. Kitty Alcott be nominated as president of the Board. No other nominations were received and Mrs. Alcott was unanimously elected to the office of president for the year 1969.

Mr. Nelson moved and Mr. Anderson seconded that Mr. Ben J. Seifert be nominated for the office of vice president of the Board. There being no other nominations for this office, a unanimous ballot was cast in favor of Mr. Seifert for the office of vice president of the Board for the year 1969.

The secretary reviewed the minutes of the 433rd meeting which were distributed to the Board members in advance of this meeting. Mr. Quistgard moved and Mr. Nelson seconded that the minutes of the last meeting be approved as written. Motion passed.

The secretary described a family record form which was developed at the suggestion of Mrs. Alcott for use in connection with the practical examination. The family medication record contains notations indicating therapeutic incompatibilities with prescriptions to be given to the students and these prescriptions also contain therapeutic incompatibilities in combination with each other. It was decided to proceed with the use of the family medication record and to require the students to make observations

about therapeutic incompatibilities on the rear of the record. No decision was made as to the possible weight to be given to this portion of the examination at this time. An evaluation will be conducted after the examination is completed.

President Alcott led a discussion of the Monday afternoon meeting requested by the Board with Dean Weaver and members of the University of Minnesota College of Pharmacy faculty. The Board will discuss testing of therapeutic incompatibilities, overdoses and the development of a national test pool for use by Boards of Pharmacy. The secretary will monitor the practical examination during the joint board-faculty meeting.

General examination procedures were discussed and it was agreed that prescriptions would not be assigned to students one at a time but that all of the prescriptions assigned during a morning or afternoon session would be furnished to the students at one time.

The work station assignments in the laboratory appear less than ideal. President Alcott and Secretary Grussing will contact Dean Weaver about a maximum number for assignment in each laboratory: 24 in the senior dispensing laboratory - Room 104, and 36 in the junior preparations laboratory - Room 125. A third laboratory will be requested should additional space be necessary.

The secretary announced that a presentation gavel with a suitable engraving has been prepared for Mr. Max Bearman for presentation during this meeting commemorating his ten years of active service with the Board.

The secretary described the agenda for the next NABP meeting to be held in conjunction with the APhA meeting in Montreal, Canada. Travel plans were discussed. Counsel, Mr. Strong, does not plan to attend the meeting this year.

Mr. Ben J. Seifert joined the Board meeting and entered into the discussions which followed.

The secretary described a series of applications for registration by reciprocity which were turned down because of deficient internships. Reference was made to the NABP by-laws which allow states to accept slight deficiencies in internships provided candidates by reciprocity have practiced at least one year after their initial registration. Mr. Nelson moved and Mr. Seifert

seconded that for candidates for registration by reciprocity, registered interns, for candidates for licensure by examination who have completed their internship elsewhere, that internship time be granted for the Christmas and Easter vacations of the final two years of the professional curriculum only. Further, that such time be allowed in other states only if the respective states credit such time to fulfill the required one year internship. Motion passed.

The secretary is to notify all the interns, deans of colleges of pharmacy in District V and Board secretaries.

The secretary reported on an opinion by Counsel Strong based on the Minnesota Statute which allows career military personnel to retain their basic licensure status in all occupations, professions and trades without payment of license renewal. The wisdom of this Statute was discussed from the standpoint of the fitness to practice of certain career military persons who may not have been involved in the practice of pharmacy during their entire career, yet who have retained their legal status as pharmacists. A discussion of the fitness to practice of individuals in this category was conducted and the matter was tabled for future discussion by President Alcott.

The matter of professional competence of individuals who have been divorced from actual compounding and dispensing activities for extended periods of time was discussed. Mr. Nelson moved that the secretary and counsel investigate the possibility of a statutory or regulatory concept which would allow the Board to refuse renewal of license to any licentiate who was out of practice for five years. The motion died for a lack of second.

President Alcott dismissed the Board until January 13 at 8:45 o'clock A.M.

January 13, 1969. The Board met at the College of Pharmacy, University of Minnesota, at 8:45 o'clock A.M. Members present were: President Alcott, Vice President Seifert, Mr. John H. Nelson, Mr. John E. Quistgard and Mr. Lowell J. Anderson. Also present was the Board's secretary, Paul G. Grussing.

The following individuals having fulfilled the legal requirements for examination and submitted properly executed applications were present to take the practical examination:

*Anderson, Bradly R.	Nelson, Charles E.
*Moede, William D.	Ojala, David F.
*Wandmacher, Wayne E.	Pickett, Robert J. Jr.
Abbott, Gary D.	Platt, Albert A.
Ahachich, Louis J.	Pommerening, Randall R.
Amoth, George M.D.	Reinschmidt, John H.
Burnson, Richard A.	Rowe, Janice I.
Caswell, Patricia A.	Scharpen, Ronald A.
Dahl, Robert E.	Schurke, Roger K.
Derifield, James G.	Shutte, William F.
Greben, Dennis J.	Sogard, Gary O.
Haines, Dianne C. (Mrs.)	Sterton, Robert J.
Harapat, John E.	Strike, Harlow D.
Heuring, Gordon L.	Thalberg, Michael D.
Jett, Beryl J.	Tuhy, Doris A.
Kappes, Louis F.	Vegoe, Thomas O.
Kaufman, Martin J.	Wells, Russell M.
Lolich, Stephen M.	Winer, Michael H.
McCullough, David D.	Wohnoutka, Gerald E.
Moe, Robert C.	Wozny, Paul J. Jr.
Mutterer, Ernest E.	Kupfenberg, Harvey

(*Practical retake)

The practical examination was completed in the afternoon; the total number of candidates taking the examination being 42.

At 8:30 o'clock P.M., President Alcott called the meeting to order in the Board's rooms at the Pick-Nicollet Hotel, Minneapolis. This evening's session was planned to review the regulations and testimony presented at the November 13 hearing. It was noted that Mr. Lowell Anderson, now a duly appointed member of the Board, was in attendance during approximately half of the hearing on November 13 and that he has reviewed the entire transcript of that hearing prior to this meeting.

All members of the Board, its secretary and counsel were present for the discussion of the regulations. The secretary presented for consideration by members of the Board: (1) a set of the proposed regulations considered at the November 13 hearing, (2) a transcript of that hearing, (3) a copy of all documents filed with the Board during or subsequent to the hearing, (4) a set of work-sheets prepared by secretary and counsel for use in this discussion. These work-sheets contained modifications to the regulations proposed at the hearing, reasons for the regulations and legal comments by Mr. Strong.

After a discussion of the index to the proposed regulations and a proposed Regulation No. 1, together with comments made or presented at or after the hearing, Mr. Nelson moved and Mr. Seifert seconded that the index and proposed Regulation No. 1 be approved as follows:

PHARMACY DEFINED

The term "Pharmacy" means a drug store or other established place regularly registered by the State Board of Pharmacy, in which prescriptions, drugs, medicines, chemicals and poisons are compounded, dispensed, vended or sold at retail. Whenever an applicable regulation requires or prohibits action by a "pharmacy", responsibility for said action shall be that of the owner and pharmacist-in-charge thereof, whether said owner is a sole proprietor, partnership, association, corporation or otherwise.

Motion passed.

After a discussion of proposed Regulation No. 2 and comments made or presented during or after the hearing, Mr. Seifert moved and Mr. Anderson seconded that the proposed regulation be adopted as follows:

LICENSE REQUIRED

No person shall conduct a pharmacy in the State of Minnesota unless it is licensed and registered by the State Board of Pharmacy. A fee, set by the Board but not to exceed that prescribed by statute, shall be charged for each license and registration.

Motion passed.

After a discussion of proposed Regulation No. 3 together with comments made during the hearing or presented after the hearing, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulation No. 3 be adopted as follows:

FORM OF APPLICATION AND LICENSE

Applications for the licensing and registration and renewal thereof of a pharmacy shall be on such form or forms as

the State Board of Pharmacy may from time to time prescribe and the license and registration of such pharmacy shall be issued by the State Board of Pharmacy in such form as it may from time to time prescribe.

Each license registers the pharmacy for which application for licensing and registration was made.

Motion passed.

After a discussion of proposed Regulation No. 4 together with comments made during the hearing or presented after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 4 be adopted as follows:

LICENSES, ANNUAL REGISTRATION DATE AND FEES

Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application therefore, on or before June 1 of each year, together with a fee set by the Board but not to exceed that prescribed by statute.

Motion passed.

After a discussion of proposed Regulation No. 5 together with comments made during the hearing or presented after the hearing, Mr. Nelson moved and Mr. Quistgard seconded that proposed Regulation No. 5 be adopted as follows:

POSTING OF LICENSE

Each pharmacy license shall be posted in a conspicuous place in the pharmacy for which the license has been issued.

Motion passed.

After a discussion of proposed Regulation No. 6 and comments made or presented at the hearing or after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 6 be adopted as follows:

SEPARATE LICENSE REQUIRED

A separate license shall be required for each pharmacy and is not transferable. The following shall be deemed

a transfer:

- a. The sale of all or substantially all of the assets of the pharmacy;
- b. The addition of one or more partners in a partnership, to which a pharmacy license has been issued;
- c. The change of ownership of 30% or more of the voting stock of a corporation pharmacy since the issuance of the license or the last renewal thereof. This shall not apply to any corporation, the voting stock of which is actively traded on any securities exchange or in any over-the-counter market.

Motion passed.

After a discussion of proposed Regulation No. 7 and comments made or presented at the hearing or presented after the hearing, Mr. Seifert moved and Mr. Quistgard seconded that proposed Regulation No. 7 be adopted as follows:

ACCESS, SPACE AND SECURITY REQUIREMENTS

No person shall be issued a license to conduct a pharmacy unless such pharmacy:

- a. has an entrance which affords the public reasonable access to the pharmacy,
- b. contains more than 400 and less than 12,500 square feet,
- c. contains only one floor level devoted to the compounding, dispensing or sale of drugs,
- d. is surrounded by a continuous partition or wall extending from floor to ceiling, which wall shall contain doors capable of being securely locked to prevent entry when the pharmacy is closed.

In the interest of public health the Board may waive any of these provisions for pharmacies located in hospitals. Any pharmacy, except a pharmacy located in a hospital, which has been granted a license prior to the effective date hereof and which does not comply with one or more of the requirements set forth in Subdivision (1) through (4) above, shall be given one year from the date hereof to comply therewith. Noncompliance by such pharmacies within said stated period of time shall be deemed to be conducting a pharmacy without license and registration.

Motion passed.

After discussing proposed Regulation No. 8 and comments made or presented during or after the hearing, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulation No. 8 be adopted as follows:

CHANGE IN LOCATION, DIMENSION, OR SECURITY

Before a duly licensed and registered pharmacy changes the location of its business it shall first submit to the State Board of Pharmacy a new application for a license and registration setting forth such changes, and shall submit therewith the information and documents required in an initial application for license and registration. If the State Board of Pharmacy approves such application, no additional charge shall be made for such new license.

No duly licensed and registered pharmacy shall change its physical dimensions or elements of physical security until it has submitted documents and plans of the proposed changes to the State Board of Pharmacy. The board shall within thirty days after receipt of the proposed changes notify the licensee that the proposed changes either comply or do not comply with Regulation 7. The failure of the board to respond in writing within said thirty days shall be deemed to be approval of the proposed changes.

Motion passed.

After a discussion of proposed Regulation No. 9 together with comments presented at the hearing or submitted after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 9 be adopted as follows:

The State Board of Pharmacy may refuse to issue a pharmacy license when the sole proprietor, partnership or member of the partnership, association, corporation or officer, director or shareholder owning 30% or more of the voting stock of such corporation:

- a. Has submitted an application for such license containing fraudulent, deceptive or untrue statements or documents in connection therewith,
- b. Has been convicted in any Court of a felony,
- c. Has been convicted in any Court of an offense involving moral turpitude,
- d. Habitually indulges in the use of narcotics, stimulant or depressant drugs; or habitually indulges in intoxicating liquors in a manner which could cause incompetency in the practice of pharmacy,

- e. Has owned or operated a pharmacy in such a manner as would establish to the satisfaction of the State Board of Pharmacy a pattern of willful and purposeful violation of the applicable laws and regulations or acts inconsistent with accepted professional standards of conduct and practice,
- f. Has been convicted of theft of drugs or the unauthorized use, possession or sale thereof,
- g. Has had his pharmacist license, or a pharmacy license revoked under Minnesota Statutes, Section 151.06, Subdivision (6), or 151.20.

Motion passed.

After a discussion of proposed Regulation No. 10 and comments made or presented during or after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 10 be adopted as follows:

PHARMACIST ON DUTY

Each pharmacy shall have at least one registered pharmacist on duty and physically present in the pharmacy at all times that the pharmacy is open for the transaction of business.

Motion passed.

After a discussion of proposed Regulation No. 11 and of comments made or presented during the hearing or after the hearing, Mr. Quistgard moved and Mr. Nelson seconded that proposed Regulation No. 11 be adopted as follows:

MINIMUM EQUIPMENT REQUIRED IN PHARMACIES

Each pharmacy must have on file the latest edition or revision of at least two of the following references:

- a. U. S. Pharmacopeia
- b. National Formulary
- c. U. S. Dispensatory
- d. Remington's Pharmaceutical Sciences
- e. American Hospital Formulary Service
- f. Physician's Desk Reference
- g. Facts and Comparisons
- h. Merck Manual
- i. Pharmindex

- j. The Pharmacological Basis of Therapeutics
- k. Modern Drug Encyclopedia
- l. An equivalent reference approved by the Board in writing.

In addition, each pharmacy must also have the following minimum equipment:

- a. One prescription balance, Class "A" as specified in regulations of the Department of Weights and Measures.
- b. One set of accurate Apothecary weights 1/2 grain to two drams.
- c. One set of accurate Metric weights from 50 mg. to 100 Gm.
- d. Counter scale and weights.
- e. Measuring device capable of accurately measuring volumes from fifteen minims to at least one pint; and from lcc. to at least 500cc.
- f. Mortars and Pestles - at least one 2 oz.; at least one 8 oz., and at least one pint size.
- g. Spatulas - stainless steel, at least three assorted sizes, and one non-metallic medium size.
- h. Funnels - glass, one 2 oz.; one 8 oz.; one 16 oz.
- i. Stirring rods - at least one each, glass and rubber.
- j. Heating apparatus.
- k. One prescription counter with sufficient drawers and storage space.
- l. Suitable refrigeration.
- m. Narcotic drug locker or safe.
- n. Counter sink
- o. Toilet with a handwashing lavatory and disposable towels in a location which is reasonably accessible.
- p. Proper sanitary conditions shall be maintained at all times.

Motion passed.

After noting the renumbering of present Regulations Nos. 18 and 19 as new proposed Regulations Nos. 12 and 13 respectively, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulations Nos. 12 and 13 be renumbered as follows:

Regulation 12

SALE OF DRUGS RESTRICTED FOR LIMITED AREA UNDER SUPERVISION

Hereafter the Board of Pharmacy of the State of Minnesota shall refuse to register or grant a license to any pharmacy which advertises, sells, or proposes to sell therein, merchandise in any manner, like or similar to the manner in which merchandise is sold in super markets or other stores commonly known as self-service stores using one or more check-out counters, unless there is provided in such pharmacy a drug area which shall be used exclusively for the display, sale, compounding and dispensing of drugs, medicines, chemicals, poisons, and for the display and sale of other items used in the cure, mitigation, treatment, or prevention of disease in man or other animals; which drug area shall include within it the prescription department of such pharmacy. Any sale of drugs, medicines, chemicals or poisons must be made and completed in its entirety within the drug area by or under the personal supervision of a pharmacist or of an assistant pharmacist in the temporary absence of the pharmacist.

Regulation 13

SELF-SERVICE OF DRUGS

(a) No registered pharmacy or other registered store shall display or offer for sale, drugs, medicines, chemicals or poisons in any manner designed to permit the purchaser to serve himself. (b) No pharmacist or other person employed in a store registered under M.S. 1953 Section 151.26, or a pharmacy, shall sell to any person any drug, medicine, chemical or poison to which such person has served himself.

Motion passed.

After a discussion of proposed Regulation No. 21 together with comments made during the public hearing or presented after the hearing, Mr. Quistgard moved and Mr. Anderson seconded that proposed Regulation No. 21 be adopted as follows:

PHARMACIST-IN-CHARGE, REQUIREMENT, DEFINITION AND DUTIES

No person shall conduct a pharmacy without a pharmacist-in-charge who shall be designated in the application for license and registration, each renewal thereof or pursuant

to Regulation No. 23. The term "pharmacist-in-charge" means a duly licensed pharmacist in the State of Minnesota who has been so designated and it shall be his duty and responsibility consistent with the accepted standards of professional conduct and practice and in compliance with all applicable laws and regulations:

- a. To establish for the employees of the pharmacy, policies and procedures for the procurement, storage, compounding and dispensing of drugs.
- b. To supervise all of the professional employees of the pharmacy,
- c. To supervise all of the non-professional employees of the pharmacy insofar as their duties relate to the sale and/or storage of drugs,
- d. To establish and supervise the method and manner for the storing and safekeeping of drugs,
- e. To establish and supervise the record keeping system for the purchase, sale, possession, storage, safe-keeping and return of drugs,
- f. No notify the board immediately upon his knowledge that his services as pharmacist-in-charge have been or will be terminated.

Motion passed.

After a discussion of proposed Regulation No. 22 together with comments made during the public hearing or presented during or after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 22 be adopted as follows:

PHARMACIST-IN-CHARGE, MORE THAN ONE LOCATION

No pharmacist shall be designated pharmacist-in-charge of more than one pharmacy. In the interest of public health this requirement may be waived in the case of a pharmacist serving a hospital pharmacy on a part-time basis.

Motion passed.

After a discussion of proposed Regulations Nos. 23, 24 and 25, together with comments made during or presented after the public hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulations Nos. 23, 24 and 25 be adopted as follows:

Regulation 23

PHARMACIST-IN-CHARGE, TERMINATION OF SERVICE

Each pharmacy shall notify the State Board of Pharmacy immediately upon knowledge of the termination of the services of the pharmacist-in-charge and further, shall immediately designate a successor pharmacist-in-charge and immediately notify the State Board of Pharmacy of such designation. The State Board of Pharmacy upon receiving such notice shall furnish the successor pharmacist-in-charge such form or forms as it may from time to time prescribe which form or forms must be completed by the successor pharmacist-in-charge and filed with the State Board of Pharmacy within 10 days after receipt thereof. The failure to designate a successor pharmacist-in-charge, and notify the State Board of Pharmacy of such designation shall be deemed to be operating a pharmacy without a license.

Regulation 24

NOTIFICATION OF CHANGE OF BUSINESS OR RESIDENCE ADDRESS

Each pharmacist, assistant pharmacist, and registered pharmacist-intern shall notify the Board of Pharmacy immediately of any change in location of his employment or any change of his residence address.

Regulation 25

POSTING OF LICENSE

Each pharmacist shall post his license or renewal thereof in a conspicuous place in the pharmacy in which he is practicing his profession.

Motion passed.

After a discussion of proposed Regulation No. 31 which is renumbered from present Regulation No. 22, Mr. Seifert moved and Mr. Nelson seconded that proposed Regulation No. 31 be adopted as follows:

VENDING MACHINES

It shall be deemed unlawful to distribute, dispense or vend any drug by automatic or vending machine.

Motion passed.

After a discussion of proposed Regulation No. 32 and comments made during the public hearing as well as briefs submitted during the hearing and after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 32 be adopted as follows:

RETURN OF DRUGS AND DEVICES PROHIBITED

Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any drugs, prescribed medications, chemicals, poisons or medical devices; except that in a hospital with a licensed pharmacy, drugs, devices or other items may be returned to the pharmacy for disposition by a pharmacist in accordance with good professional practice. This regulation shall apply to the return of medical devices provided that proper sanitary procedures are used prior to the reuse, resale or re-rental thereof.

Motion passed.

A discussion of the renumbering of present Regulation No. 20 as proposed Regulation No. 33, and a discussion of proposed Regulation No. 34 and comments made during the public hearing or briefs submitted during or after the public hearing in connection therewith, as well as a discussion of the renumbering of present Regulations Nos. 24 and 25 as proposed Regulations Nos. 35 and 36 respectively, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulations Nos. 33 through 36 be adopted as follows:

Regulation 33

MAIL ORDER SALE

Hereafter no pharmacist or pharmacy shall solicit by advertising of any kind the sale or distribution of drugs by prescription by any mail order plan of any form. The mail order sale of drugs by prescription is prohibited whenever such sale has been solicited by advertising of any kind by any person or persons. No pharmacist or pharmacy shall accept or fill a prescription which has been received by mail and that has been written by a practitioner not licensed to practice his profession in this state.

Regulation 34

PRESCRIPTION BLANKS

No licensed pharmacy, or pharmacist, shall accept, furnish,

or cause to be furnished to any practitioner authorized by law to prescribe drugs and medicines, prescription blanks referring to any specific licensed pharmacy or pharmacist in any manner whatsoever. No licensed pharmacy, or pharmacist shall actively or passively participate in any arrangement or agreement whereby prescriptions are prepared, written or issued in a manner which refers to a specific pharmacy or pharmacist.

Regulation 35

ACCEPTANCE OF PRESCRIPTION ORDER AND DISTRIBUTION
OF PRESCRIPTION MEDICATION

No licensed pharmacist shall participate in any arrangement or agreement whereby prescriptions may be left at, picket up from, accepted by, or delivered to any place of business not licensed as a pharmacy. This shall apply to the prescription order blank and to the completed prescription medication container. Provided, however, that nothing in this section shall prohibit a licensed pharmacist or a licensed pharmacy by means of its employee or by use of a common carrier, from picking up prescriptions, or delivering prescriptions, at the office or home of the prescriber, at the residence of the patient, or at the hospital or medical care facility in which a patient is confined.

Regulation 36

COMPOUNDING AND DISPENSING

The practice of compounding and dispensing a prescription includes, but is not limited to the following acts, which shall be performed only by a pharmacist, assistant pharmacist, or pharmacist-intern under the immediate and personal supervision of a pharmacist.

1. Receipt of prescriptions, written or oral, (except that written prescriptions may be received by an agent of the pharmacist if the patient is immediately adjacent to prescription area and pharmacist to enable professional communication and consultation directly with the pharmacist).
2. Verification of prescribed dosage within proper limits.
3. Reading, interpretation and transcription to the prescription label, or verification of the transcription by initialing the label, of the prescriber's directions for use in a manner that communicates his directions for

use precisely, and with assurance of understanding by the patient.

4. Selecting, compounding, mixing, combining, measuring, counting or otherwise preparing the drug or drugs needed to fill the individual prescription.

5. Permanently affixing properly prepared label to the container of the prescription medication.

6. Return of completed prescription medication to patient (except that completed prescription medication may be transmitted by an agent of the pharmacist if patient is immediately adjacent to pharmacist and prescription area to enable professional communication and consultation with the pharmacist).

7. Obtaining, when required by law and in the best professional practice, permission to refill from authorized prescribers, and noting on the reverse side of the prescription the following data:

- (a) date refilled
- (b) initials of practitioner authorizing refill (if different from original prescriber)
- (c) quantity of drug dispensed if different from the original prescription
- (d) initials or signature (when required) of person refilling prescription.

8. Supervision of non-pharmacist personnel in limited non-professional duties such as: looking up rescription refills, filing prescriptions, record-keeping, non-professional aspects of presenting completed medications to patients and completing transaction, delivery.

Nothing in paragraphs one and six of this regulation shall prevent hospital pharmacists from accepting prescription orders or returning prescription medications via normal accepted in-patient hospital drug distribution practices.

Motion passed.

After a discussion of proposed Regulation No. 37 and comments made or presented during the hearing as well as briefs submitted during or after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 37 be adopted as follows:

UNPROFESSIONAL CONDUCT

Unprofessional conduct shall include, but is not limited to, the following acts of a pharmacist or pharmacy:

- a. The assertion or inference in a public manner of professional superiority in the practice of pharmacy,
- b. The publication or circulation of false, misleading or otherwise deceptive statements concerning the

- practice of pharmacy,
- c. Refusing to compound and dispense prescriptions which may reasonably be expected to be compounded or dispensed in pharmacies by pharmacists.
 - d. Participation in agreements or arrangements with any person, corporation, partnership, association, firm, or others involving rebates, "kickbacks", fee-splitting, or special charges in exchange for professional pharmaceutical services,
 - e. Discriminating in any manner between patients or groups of patients, for reasons of religion, race, creed, color, sex or national origin,
 - f. Refusing to consult with patrons or patients concerning contents, therapeutic values and uses of non-prescription drugs, chemicals or poisons,
 - g. Requiring an individual patient to be a member of any organization, association, or other group as a condition for obtaining the professional services of a pharmacist,
 - h. The violation of any law, rule, regulation or ordinance of the State or any of its political subdivisions, including the State Board of Pharmacy, or the United States government or any agency thereof relating to the practice of pharmacy.
 - i. Divulging or revealing to others the nature of professional pharmaceutical services rendered to a patient without his expressed consent orally or in writing, or by order or direction of a court. This shall not prevent pharmacies from providing information copies of prescriptions to other pharmacies or to the person to whom the prescription was issued and shall not prevent pharmacists from providing drug therapy information to physicians for their patients.
 - j. Participation in Institutional Drug Distribution as a consultant without providing pharmaceutical services in accordance with accepted principles of pharmacy practice and in compliance with Federal and State laws or regulations.
 - k. The public promotion, direct or indirect, including but not limited to advertisement through any of the media of drugs requiring a prescription, narcotics, depressants or stimulants is hereby declared to be an act of unprofessional conduct by a pharmacist causing such public promotion or by the pharmacist-in-charge of a pharmacy engaged in such public promotion. The reference in any advertisement in any media or other means of price, percentile of prices or by the use of the terms "cut rate", "discount", "bargain" or terms of a similar connotation in connection with drugs requiring a prescription, narcotics, depressants or stimulants or

for pharmaceutical services related thereto shall be included within the meaning of public promotion.

Motion passed.

After a discussion of proposed Regulation No. 38 together with comments made during the public hearing as well as briefs submitted during and after the hearing, Mr. Seifert moved and Mr. Nelson seconded that the board adopt proposed Regulation No. 38 as follows:

PRE-PACKAGING

Pharmacies may pre-package and label drugs in convenient quantities for subsequent complete labeling and dispensing. Such drugs shall be pre-packaged by or under the direct supervision of a pharmacist. The supervising pharmacist shall cause to be prepared and kept, a packaging control record containing the following information:

- a. Date
- b. Identification of drug
 1. Name
 2. Dosage form
 3. Manufacturer
 4. Manufacturer's lot number
 5. Strength
 6. Expiration date (if any)
- c. Container specification
- d. Copy of the label
- e. Initials of the packager
- f. Initials of the supervising pharmacist
- g. Quantity per container
- h. Internal control number or date

Each pre-packaged container shall bear a label containing the following information:

- a. Name
- b. Strength
- c. Internal control number or date
- d. Expiration date (if any)
- e. Auxiliary labels, as needed.

Motion passed.

After a discussion of proposed Regulation No. 39 and comments made during the public hearing as well as comments presented in writing after the hearing, Mr. Quistgard moved and Mr. Anderson seconded that proposed Regulation No. 39 be adopted as follows:

BULK COMPOUNDING

Pharmacies may compound drugs in bulk quantities. Such drugs shall be compounded by or under the direct supervision of a pharmacist. For each drug product compounded in bulk quantities, a master formula record shall be prepared containing the following information:

- a. Name of the product
- b. Specimen or copy of label
- c. List of ingredients and quantities
- d. Description of container used
- e. Compounding instructions, procedures and specifications.

For each batch of drug product compounded, a production record shall be prepared and kept containing the following information:

- a. A copy of the information on the master formula record
- b. Records of each step in the compounding process including:
 1. Dates
 2. Identification of ingredients (including lot numbers)
 3. Quantities of ingredients used
 4. Initials of person preparing each process
 5. Initials of pharmacist supervising each process.
- c. A batch number
- d. Total yield.

For each batch of drug product compounded, labels shall be prepared and affixed to each container containing the following information:

- a. Identifying name or formula
- b. Dosage form
- c. Strength
- d. Quantity per container
- e. Internal control number or date
- f. Expiration date (if any)
- g. Auxiliary labels, as needed.

Motion passed.

After a discussion of proposed Regulation No. 40 and comments made or presented during or after the public hearing together with a recognition of the renumbering of existing Regulation No. 26 as proposed Regulation No. 61, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulations Nos. 40 and 61 be adopted as follows:

Regulation 40

PRESCRIPTION LABELING

All drugs dispensed by a pharmacy pursuant to a prescription shall be labeled with the following information:

- a. Identification of pharmacy
- b. Patient's name
- c. Prescription number
- d. Name of prescribing practitioner
- e. Directions for use
- f. Name of drug (if specified by prescriber)
- g. Auxiliary labels, as needed
- h. Date of original issue or renewal
- i. For narcotic drugs:
 1. Address of patient
 2. Address and registry number of prescriber
 3. Address and registry number of pharmacy

Regulation 61

INTERNSHIP

A regulation for the purpose of defining and regulating the internship experience of prospective pharmacists as required by Minnesota Statutes, Chapter 151.10.

This regulation shall take effect immediately but the provisions contained herein shall not nullify any period of internship service by any individual previous to its adoption provided such period of internship is filed in a proper manner with the secretary of the Board of Pharmacy.

I. Definitions

(a) "Pharmacist Intern" and "Intern" means a natural person registered by the State Board of Pharmacy for the purpose of obtaining instruction in the practice of pharmacy from a pharmacist licensed in this state. The Board may register, as an intern, any natural person who has satisfied the Board that he is of good moral character, not disabled or unfit, who has successfully completed not less than one year of pre-pharmacy training and who is enrolled in the College of Pharmacy, University of Minnesota, or other college approved by the Board, or who has successfully completed not less than one year of the two-year pre-pharmacy program and who is satisfactorily progressing toward the completion of the two-year pre-pharmacy program.

(b) "Preceptor" means a natural person licensed as a pharmacist by the State Board of Pharmacy, or by the duly constituted licensing agency of any state.

(c) "Year of practical experience in pharmacy" means fifty-two work weeks of not less than 40 hours per week of internship training acquired under the supervision of a preceptor, not concurrent with full time academic work or other than during summer vacation periods.

(d) "Supervision", as used in connection with this regulation, means that in the pharmacy where the intern is being trained, a registered pharmacist designated as preceptor, or another registered pharmacist, shall be in continuous person contact with and actually giving instructions to the intern during all professional activities of the entire period of his internship.

II. Registration and Reporting

(a) Every person shall register with the Board before beginning his internship. Registration shall remain in effect during successive training periods if progress reports, and affidavits of experience required by the Board are executed promptly upon beginning or terminating employment, and if the Board is satisfied that the registrant is in good faith and with reasonable diligence is pursuing a degree in pharmacy.

Credit for internship time will not be granted unless registration, progress reports and affidavits of experience for preceding time are completed.

(b) The pharmacist-intern shall be so designated in his professional relationships, and shall in no manner falsely assume, directly or by inference, to be a pharmacist. The Board shall upon proper registration issue to the intern a pocket registration card for purposes of identification and verification of his role as an intern, which card shall be surrendered to the secretary of the Board upon termination of the internship program.

(c) All registered interns shall notify the Board immediately upon change of employment or mailing address.

(d) The intern shall maintain additional records of his professional activities. Such records are to be prescribed by the Board for the purpose of recording details of the scope of internship experience, and are to be submitted not less than quarterly during the internship year.

III. Training Requirements

The intent of this regulation is to: provide a proper preceptor-intern (teacher-student) relationship within the context of the employer-employee relationship and provide a broad base of internship experience and to supplement academic training in a manner which prepares the intern for all aspects of the practice of pharmacy.

(a) Nothing in this regulation shall imply that the standards described herein are acceptable to other states on a reciprocal basis.

(b) When an intern desires to obtain credit for training received in a state other than Minnesota, he shall abide by all the provisions of this regulation. Where a possible conflict may exist between the provisions of this rule and the requirements of the state in which the intern is training, the intern shall contact the secretary of the Board of Pharmacy and outline any possible problem.

(c) No more than one intern shall be trained by a preceptor at one time.

(d) Upon registration, interns and preceptors will be furnished a copy of the "Pharmacy Preceptor's Guide" sponsored by the National Association of Boards of Pharmacy and the American Association of Colleges of Pharmacy. The guide is furnished to suggest appropriate types, scope and order of training experiences. It is not intended to be restrictive in the method of instruction, but shall be used as a guide to insure that the intern's practical experiences are commensurate with his educational level, and that his total experience will be broad in scope.

Motion passed.

After a discussion of the preamble to Regulations Nos. 71 through 80 together with comments made during or presented after the public hearing, Mr. Quistgard moved and Mr. Anderson seconded that the preamble to Regulations Nos. 71 through 80 be adopted as follows:

PHARMACEUTICAL SERVICES TO PATIENTS
IN NURSING HOMES AND RESIDENTS OF BOARDING
CARE HOMES

The provisions of Regulations 71 through 80 are applicable to pharmaceutical services provided to patients in nursing homes and boarding care homes, provided however, that Regulations 1 through 70 shall also be applicable to such pharmaceutical services, unless specifically exempted by Regulations 71 through 80 or are in direct conflict therewith, in which case Regulations 71 through 80 shall apply.

Motion passed.

After a discussion of proposed Regulation No. 71 together with comments made or presented during the hearing or filed after the hearing, Mr. Quistgard moved and Mr. Nelson seconded that proposed Regulation No. 71 be adopted as follows:

PRESCRIPTION ORDER COMMUNICATION

Pharmacists and pharmacies shall accept orders for dispensing and refilling only if such orders are communicated directly from the prescriber or transmitted through his agent. Such orders may be in writing or an oral order reduced to writing by the pharmacist and may include authorization for multiple refills consistent with good practice and legal limitations. A facsimile copy of the prescriber's medication order may be accepted and filed as a prescription by the pharmacy.

Motion passed.

After a discussion of proposed Regulation No. 72 as well as comments made during or after the hearing, Mr. Quistgard moved and Mr. Nelson seconded that proposed Regulation No. 72 be adopted as follows:

PRESCRIPTION LABELING

All prescription containers shall be properly labeled in accordance with Regulation No. 40 and in addition thereto shall contain the following information:

- a. Name of drug
- b. Potency of drug
- c. Date of original issue, or in the case of a refill, the most recent date thereof
- d. Expiration date, when applicable.

Motion passed.

After a discussion of proposed Regulation No. 73 and comments made or presented during the hearing or after the hearing, Mr. Nelson moved and Mr. Seifert seconded that proposed Regulation No. 73 be adopted as follows:

LABELING OF INSULIN

Insulin, if sold without a prescription shall be dispensed with a label affixed to the vial showing the patient's full name and expiration date of the drug.

Motion passed.

After a discussion of proposed Regulation No. 74 and comments made or presented during the hearing as well as after the hearing, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulation No. 74 be adopted as follows:

DRUGS FOR USE IN EMERGENCY KITS

Pharmacies may dispense upon written or oral order from a practitioner licensed to prescribe drugs, limited supplies of drugs for use in an emergency kit maintained by the physician in compliance with Minnesota State Board of Health Regulations.

Motion passed.

After a discussion of the preamble to Regulations Nos. 81 through 100 and comments made during or after the public hearing, Mr. Quistgard moved and Mr. Anderson seconded that the preamble be approved as follows:

PHARMACEUTICAL SERVICES TO PATIENTS IN HOSPITALS

The provisions of Regulations 81 through 100 are applicable to pharmaceutical services provided to patients in hospitals, provided however, that Regulations 1 through 70 shall also be applicable to such pharmaceutical services, unless specifically exempted by Regulations 81 through 100 or are in direct conflict therewith, in which case Regulations 81 through 100 shall apply.

Motion passed.

After a discussion of proposed Regulation No. 81 together with comments made during the hearing or presented during or after the hearing, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulation No. 81 be adopted as follows:

FUNCTIONS OF THE HOSPITAL PHARMACY

In the interest of good patient care, the functions of the hospital pharmacy include, but are not limited to the following:

1. Procurement, bulk compounding, identification, security, storage, record-keeping, compounding, and dispensing of all drugs in compliance with Federal and State laws and regulations.
2. Inspection of drugs throughout the hospital for evidence of proper storage, labeling, potency and use.
3. Provisions for product information and drug education service.
4. Maintenance of a policy and procedure for emergency pharmaceutical services.
5. Preceptor supervision in the training of pharmacist-interns.
6. Participation in the hospital's Pharmacy and Therapeutics Committee.

7. Orientation of hospital personnel in matters pertaining to pharmacy policy.
8. Establishment of policies and procedures for mixing or preparation of drugs for parenteral administration to in-patients.

Motion passed.

After discussing proposed Regulation No. 82 together with comments made during the public hearing as well as comments filed during the hearing or submitted after the hearing, Mr. Anderson moved and Mr. Nelson seconded that proposed Regulation No. 82 be adopted as follows:

HOURS OF OPERATION

The hours of operation shall be sufficient to adequately provide all of the professional pharmacy services required by Regulation 81 and such services shall be provided not less than five days out of each calendar week, provided that when the pharmacy is closed emergency pharmaceutical services shall be provided in accordance with Regulation 83.

Motion passed.

After a discussion of proposed Regulation No. 83 together with comments made or presented during the hearing as well as filed after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 83 be adopted as follows:

SECURITY AND EMERGENCY ACCESS

Only a pharmacist may have access to the pharmacy except in the following situations and under the following conditions set forth below:

1. In case of disaster the hospital administrator may allow access for purposes of emergency maintenance, disaster prevention and control, and patient safety.
2. For purposes of withdrawing limited doses of drugs for administration in emergencies when the pharmacy is closed, if the drugs are not available in floor or emergency drug supplies, a designated registered nurse may make emergency withdrawal of sufficient doses required by a patient until the pharmacy reopens. Only a designated registered nurse in any given shift may have emergency access.

The person withdrawing from a bulk stock container the limited doses for administration shall leave in the pharmacy, a record of the drugs withdrawn showing:

- a. The patient's name
- b. The name of the drug and dose prescribed
- c. Drug strength
- d. The amount taken
- e. The time and date
- f. The signature of nurse or physician withdrawing drug.

The person withdrawing the drug from a bulk stock container shall place upon the record of withdrawal the container from which the limited doses were taken so that the withdrawal may be verified by the pharmacy.

The pharmacist-in-charge shall develop an emergency access procedure, and may make provision for pre-packaged drugs for emergency withdrawal provided the number of doses does not exceed the number usually required by a patient during the time the pharmacy is closed.

Motion passed.

After a discussion of proposed Regulation No. 84 together with comments made during the hearing or filed during or after the hearing, Mr. Seifert moved and Mr. Nelson seconded that proposed Regulation No. 84 be adopted as follows:

REQUIRED RECORDS

The following records shall be filed and maintained by the pharmacy for a period of time as required by law:

- a. All records of procurement required by Federal or State laws or regulations.
- b. All drug orders, requisitions, prescriptions or other suitable forms initiated by the prescriber from which drugs are dispensed.
- c. All control records of packaging, bulk compounding or manufacturing.
- d. All records of drug recalls.

Motion passed.

After a discussion of proposed Regulation No. 85 together with comments made during the hearing or filed after the hearing, Mr. Quistgard moved and Mr. Nelson seconded that proposed Regulation No. 85 be adopted as follows:

AUTOMATIC STOP ORDERS

Drugs for individual patients shall be dispensed in limited quantities in compliance with the automatic stop order policy set by the medical staff.

Motion passed.

After a discussion of proposed Regulation No. 86 together with comments made during the hearing or filed during or after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that proposed Regulation No. 86 be adopted as follows:

RESPONSIBILITY FOR QUALITY OF DRUGS DISPENSED

The pharmacist-in-charge shall be responsible for the quality of drugs dispensed and shall establish procedures and records to control product specifications.

Motion passed.

After a discussion of proposed Regulation No. 87 together with comments made during the public hearing as well as briefs filed during or after the hearing, Mr. Quistgard moved and Mr. Nelson seconded that proposed Regulation No. 87 be adopted as follows:

PHARMACEUTICAL SERVICES TO HOSPITALS
FROM OFF-PREMISES PHARMACIES

An off-premises pharmacy may compound and dispense drugs to a hospital upon the order of an agent of such hospital provided that the pharmacy keeps records of all drugs dispensed. Such dispensing shall not be considered to be drug wholesaling. The services offered to the hospital by the off-premises pharmacy shall include but shall not be limited to those enumerated in Regulation No. 81.

Motion passed.

After a discussion of proposed Regulation No. 88 together with comments made during the hearing in connection with this regulation as well as items filed after the hearing, Mr. Nelson moved and Mr. Anderson seconded that proposed Regulation No. 88 be adopted as follows:

LABELING

- A. Out-patient prescriptions:
Labels for out-patient prescriptions shall comply with Regulation No. 40. Labels for out-patient non-prescription drugs shall comply with the federal labeling regulations. Drugs originally dispensed to an in-patient shall be returned to the pharmacy for proper labeling before leaving the hospital premises.
- B. In-patient prescriptions:
All prescriptions dispensed to in-patients shall be labeled with the following information:
1. Identification of pharmacy
 2. Name of patient
 3. Name of drug
 4. Dosage form of drug (if parenteral only)
 5. Strength of drug
 6. Auxiliary labels as needed
 7. Expiration date, if any
 8. Date
- C. Floor Stock:
All drugs dispensed as floor stock shall be labeled with the following information:
1. Identification of pharmacy or other source.
 2. Name of drug or list of ingredients
 3. Strength of drug or amount of ingredients
 4. Auxiliary labels as needed
 5. Expiration date, if any
 6. Average dose
 7. Control number or date of issue

Motion passed.

After a discussion of proposed Regulation No. 6 together with comments made in connection with Regulation No. 6 during the public hearing as well as filed with the Board office after the hearing, Mr. Quistgard moved and Mr. Seifert seconded that a portion of proposed Regulation No. 6 be promulgated as a separate regulation pertaining to hospital pharmacy as follows:

Regulation 89

EXTENSION OF PHARMACY SERVICES UNDER LICENSE

A licensed pharmacy in a hospital may utilize additional locations within the ^{hospital without the} necessity of securing additional

licenses, provided, however, that the pharmacist-in-charge of any such hospital pharmacy shall designate another licensed pharmacist to assume professional responsibility, in accordance with Regulation No. 21 for the practice of pharmacy in each such additional location.

Motion passed.

There being no additional items to discuss in connection with the promulgation of the regulations, Mrs. Alcott dismissed the Board until 9:00 o'clock A.M., Tuesday, January 14.

January 14, 1969. The Board met at Room 202, Wesbrook Hall, University of Minnesota, at 9:00 o'clock A.M. Members present were: President Kitty Alcott, Vice-President Ben J. Seifert, Mr. John H. Nelson, Mr. John E. Quistgard and Mr. Lowell J. Anderson. The Board's secretary was also present. Written examinations in the following subjects were administered by the Board: Pharmacology, Pharmacy, Pharmaceutical Chemistry, Pharmaceutical and Chemical Mathematics and Jurisprudence.

Forty candidates who had met all requirements and had presented properly executed applications were present to write examinations in the above subjects. The examinations lasted the entire day.

Mrs. Constance K. Sunderland appeared to retake the written examination only.

At 1:30 o'clock P.M., the following candidates who had submitted properly executed applications joined the candidates taking the written examination - these candidates seeking registration by reciprocity wrote the examination in Jurisprudence.

Bennett, Warren K. -----North Dakota
Jarvis, Charles L. -----Virginia
Lamb, Daniel B.-----Illinois
Larson, Ronald E.-----Montana
Magnan, Eugene M.-----Alaska
Malkin, Richard M.-----Wisconsin
Matson, Marcel -----Missouri
McCalla, Sylvia (Mrs.)-----Iowa
Schwans, Marilyn D. (Mrs.)-----South Dakota
Schwans, Ronald J.-----South Dakota
Trom, John P. -----North Dakota

At approximately 8:00 o'clock P.M., the Board met in its rooms at the Pick-Nicollet Hotel, Minneapolis. President Alcott reconvened the meeting at which all members were present as well as the secretary.

After a discussion of the scheduling of the next special Board meeting, Mr. Anderson moved and Mr. Seifert seconded that it be scheduled for March 25, 1969. Motion passed.

After discussing dates for the January, 1970 regular meeting of the Board for examinations, Mr. Nelson moved and Mr. Seifert seconded that the winter examination in 1970 be scheduled for January 5, 1970. Motion passed.

After a discussion of the fall, 1969 meeting for conducting examinations in Jurisprudence for reciprocity candidates, the consensus was that the meeting be scheduled on October 7 immediately following the District V - NABP meeting to be held in Minneapolis.

The summer, 1970 regular meeting for purposes of examination was discussed and the consensus was that the week of June 15 be scheduled and that the secretary should check with the College of Pharmacy to determine if it is possible for the College to complete certification of candidates by that date.

President Alcott then asked for comments concerning program topics and educational and social activities in connection with the fall District V meeting to be held in Minneapolis. Traditional ideas will be presented to Mrs. Alcott or Dr. John McRae, co-chairman for the event.

President Alcott then dismissed the Board members to correct examinations until the Board reconvenes at 9:15 o'clock A.M., Wednesday, January 15.

January 15, 1969. The Board met at 1965 Ford Parkway, St. Paul, to present five separate individually presented professional topics to the candidates. The Board then invited questions from the candidates and a general discussion followed each meeting. The secretary returned the internship training experience records and noted deficiencies in the records which should be completed before certificates would be issued.

At approximately 11:00 o'clock A.M., Marilyn D. Schwans and Ronald J. Schwans (Mr. and Mrs.) candidates for registration by reciprocity from the state of South Dakota, appeared before the Board for oral examination in Jurisprudence.

At approximately 11:20 o'clock A.M., Warren K. Bennett, a candidate for registration by reciprocity from the state of North Dakota, appeared before the Board for oral examination in Jurisprudence.

At approximately 1:40 o'clock P.M., Mrs. Sylvia McCalla, a candidate for registration by reciprocity from the state of Iowa, appeared before the Board for oral examination in Jurisprudence.

At approximately 2:00 o'clock P.M., Charles L. Jarvis, a candidate for registration by reciprocity from the state of Virginia, appeared before the Board for oral examination in Jurisprudence.

At approximately 2:20 o'clock P.M., Ronald E. Larson, a candidate for registration by reciprocity from the state of Montana, appeared before the Board for oral examination in Jurisprudence.

At approximately 2:40 o'clock P.M., Daniel B. Lamb, a candidate for registration by reciprocity from the state of Illinois, appeared before the Board for oral examination in Jurisprudence.

At approximately 3:00 o'clock P.M., Eugene M. Magnan, a candidate for registration by reciprocity from the state of Alaska, appeared before the Board for oral examination in Jurisprudence.

At approximately 3:20 o'clock P.M., Richard M. Malkin, a candidate for registration by reciprocity from the state of Wisconsin, appeared before the Board for oral examination in Jurisprudence.

At approximately 3:40 o'clock P.M., Marcel Matson, a candidate for registration by reciprocity from the state of Missouri, appeared before the Board for oral examination in Jurisprudence.

At approximately 4:00 o'clock P.M., John P. Trom, a candidate for registration by reciprocity from the state of North Dakota, appeared before the Board for oral examination in Jurisprudence.

At approximately 4:20 o'clock P.M., President Alcott dismissed the Board until evening for the purposes of correcting examinations.

At approximately 8:15 o'clock P.M., the Board reconvened in its rooms at the Pick-Nicollet Hotel, Minneapolis, for the purposes of correcting examinations and conducting discussions of a general nature.

January 16, 1969. At approximately 9:30 o'clock A.M., Pharmacist Donald K. Lord appeared before the Board in response to a letter sent to him by the secretary on January 6, 1969. President Alcott and Counsel Strong warned Mr. Lord with respect to his rights in the matter of a hearing before the Board. The meaning of the pharmacist-in-charge and the responsibilities of the pharmacist-in-charge were outlined to Mr. Lord as well as the record of non-compliance with respect to Regulation No. 21 in Thro's Drug Store, Mankato. Mr. Lord acknowledges that professional advertising in connection with prescription services is a responsibility of the pharmacist-in-charge and he will either exercise total control over that responsibility or he will speak to Mr. Thro and ask to be relieved of the duties of pharmacist-in-charge. Mr. Lord also indicated that he would visit with the pharmacists-in-charge of the other Thro pharmacies in Mankato and explain to them the seriousness of repeated violations of Regulation No. 21 as well as the serious meaning and responsibilities of being pharmacist-in-charge. At approximately 10:05 o'clock A.M., Mr. Lord departed.

Mr. Quistgard moved and Mr. Nelson seconded that the secretary be instructed to write a letter of severe reprimand to Mr. Lord. Motion passed.

At approximately 10:10 o'clock A.M., Pharmacist Rodger N. Jackson appeared before the Board in response to a letter sent to him by the secretary on January 6. President Alcott and counsel, Mr. Strong, reminded Mr. Jackson of his rights in connection with making statements about the alleged violation.

Mr. Jackson explained the violation by indicating he was a new pharmacist-in-charge and that a previous violation of the same type was not brought to his attention by his predecessor. He assured the Board of his cooperation in this matter and was reminded of the meaning of Regulation No. 21 and the responsibilities of the pharmacist-in-charge. At approximately 10:30 o'clock A.M., Mr. Jackson departed.

At approximately 10:40 o'clock A.M., Pharmacist Garfield C. Johnson appeared before the Board in response to a letter

sent to him by the secretary. Mr. Johnson was represented by counsel, Mr. Paterick Roche of Anoka, Minnesota. Although this proceeding was not a citation to show cause why Mr. Johnson's license to practice pharmacy should be suspended or revoked, a court reporter was present and a duly constituted hearing was held.

At approximately 11:40 o'clock A.M., the hearing was adjourned and Mr. Johnson together with his counsel departed.

At approximately 1:45 o'clock P.M., the Board met in its offices at 1965 Ford Parkway, St. Paul, for the purposes of discussing proposed 1969 legislation. Also in attendance were the secretary and counsel as well as Mr. Donald A. Dee, Executive Secretary of the Minnesota State Pharmaceutical Association and Mr. Robert Mattson, general counsel to the Minnesota State Pharmaceutical Association.

The secretary described a draft of proposed legislation which had been prepared after numerous study and drafting sessions by counsel and secretary as well as by Mr. Dee and MSPHA counsel. The reasons for each proposal were stated together with a rough draft for each proposal. Several of the proposals contained language from the AFDOUS model act and this language will need to be modified by both attorneys in order to make it presentable for inclusion in the practice act.

The next draft as prepared by Mr. Mattson and Mr. Strong will be circulated to the Board members and will also be presented to committees of the MSPHA Association for their approval.

Mr. Dee described proposed legislation by the Minnesota Medical Association which would allow a physician's practice to be extended through "any qualified person" as long as the physician assumed professional responsibility for the actions of the "qualified person". Further inquiry will be made to the intent and need of this type of legislation to determine its effect upon the dispensing of drugs by unqualified persons.

Mr. Dee raised the question of legislation in the matter of over-the-counter distribution. The Board members present suggested some guidelines to Counsel Strong who will prepare the legislative proposal for presentation to the Association at their next Executive Committee meeting.

At approximately 4:30 o'clock P.M., President Alcott dismissed the Board to attend a dinner in honor of Mr. Max Bearman, Board member retiring after ten years of service.

January 17, 1969. At 9:05 o'clock A.M., President Alcott reconvened the Board in its rooms at the Pick-Nicollet Hotel in Minneapolis.

After thoroughly reviewing the performance of the candidates in the examination for licensure, and the qualifications of the candidates, Mr. Quistgard moved and Mr. Anderson seconded that the thirty-nine candidates who received a general average of 75% or better, not below 75% in the practical examination and not below 60% in any one subject, be granted registration as pharmacists. Motion carried. The list of thirty-nine names follows:

Cert. No.	NAME	Cert. No.	NAME
1459	Abbott, Gary D.	1479	Ojala, David F.
1460	Amoth, George M.D.	1480	Pickett, Robert J.
1461	Anderson, Bradly R.	1481	Platt, Albert A.
1462	Burnson, Richard A.	1482	Pommerening, Randall R.
1463	Dahl, Robert E.	1483	Reinschmidt, John H.
1464	Derifield, James G.	1484	Dols, Janice I. (Rowe)
1465	Greben, Dennis J.	1485	Scharpen, Ronald A.
1466	Haines, Dianne C.	1486	Schurke, Roger K.
1467	Harapat, John E.	1487	Shutte, William F.
1468	Heuring, Gordon L.	1488	Sogard, Gary O.
1469	Jett, Beryl J.	1489	Sterton, Robert J.
1470	Kappes, Louis F.	1490	Strike, Harlow D.
1471	Kaufman, Martin J.	1491	Thalberg, Michael D.
1472	Kupferberg, Harvey J.	1492	Tuhy, Doris A.
1473	Lolich, Stephen M.	1493	Vegoe, Thomas O.
1474	McCullough, David D.	1494	Wandmacher, Wayne E.
1475	Moe, Robert C.	1495	Wells, Russell M.
1476	Moede, William D.	1496	Winer, Michael H.
1477	Mutterer, Ernest E.	1497	Wohnoutka, Gerald E.
1478	Nelson, Charles E.		

Mr. Anderson moved and Mr. Quistgard seconded that after a review of the application, records and examinations in the case of Mr. Warren K. Bennett, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Quistgard moved and Mr. Anderson seconded that having passed the Jurisprudence examinations and any other examination that may have been requested of them for reason,

the following candidates for registration by reciprocity be granted registration on the basis of the state listed with their names. Motion carried.

The list of names and states of registration are as follows:

<u>Cert. No.</u>	<u>Name</u>	<u>State</u>
1498	Jarvis, Charles L.	Virginia
1499	Lamb, Daniel B.	Illinois
1500	Larson, Ronald E.	Montana
1501	Magnan, Eugene M.	Alaska
1502	Malkin, Richard M.	Wisconsin
1503	Matson, Marcel	Missouri
1504	McCalla, Sylvia P.	Iowa
1505	Schwans, Marilyn D.	South Dakota
1506	Schwans, Ronald J.	South Dakota
1507	Trom, John P.	North Dakota

The Board instructed the secretary to send Mr. Vernon E. Peterson the necessary form to register as an intern and the necessary forms to properly record sufficient internship time to qualify him as an applicant for registration by reciprocity before the March 25 meeting.

After reviewing violation of Regulation No. 21 by Pharmacist Rodger N. Jackson and the Board's discussion with him, Mr. Quistgard moved and Mr. Nelson seconded that the secretary be instructed to write Mr. Jackson a letter of reprimand concerning the violation. Motion passed.

After a discussion of the evidence brought out in the hearing in connection with Pharmacist Garfield C. Johnson, Mr. Quistgard moved and Mr. Seifert seconded that the secretary be instructed to write a letter of severe reprimand to Mr. Johnson but that the letter not indicate that the case is closed. The secretary is to initiate an investigation of approximately weekly shopping or observation for a period of about four weeks after which the observations are to be reported to the Board for consideration at its next meeting to determine if Mr. Johnson has properly remained in compliance after the warning. Motion passed.

The secretary was also instructed to contact the Anoka County Attorney in this matter and present the evidence gathered in the informal hearing to him.

After discussing the use of the new testing procedure for checking therapeutic incompatibilities of drugs, it was agreed that President Alcott and the secretary will collaborate in a summary report of the testing activity, such report to be circulated to the Board members and provided to the Colleges of Pharmacy so that they may be properly aware of the emphasis upon this subject and the notable weakness of the candidates in this area.

After a discussion about the value of grading cards for the candidates, Mr. Quistgard moved and Mr. Nelson seconded that grading cards no longer be used but that the individual Board members grade candidates on their prescription blanks. Motion passed.

President Alcott brought up proposed Regulation No. 72 for possible reconsideration. After considerable discussion and comparison with the Minnesota Board of Health Regulation, Mr. Anderson moved and Mr. Quistgard seconded that the quantity of drug be reinstated as a requirement of the prescription label for patients residing in nursing homes or boarding care homes. Motion passed. Proposed Regulation No. 72 would then appear as follows:

PRESCRIPTION LABELING

All prescription containers shall be properly labeled in accordance with Regulation 40 and in addition thereto shall contain the following information:

- a. Name of drug
- b. Quantity of drug
- c. Potency of drug
- d. Date of original issue, or in the case of a refill, the most recent date thereof
- e. Expiration date, when applicable.

The secretary described applications for pharmacies from the following:

1. Pilot City Health Center Pharmacy, Mpls. (Alfred E. Bigot, pharmacist-in-charge)
2. Erickson Valu Drug Inc., Northfield, (Gilmore Granat, pharmacist-in-charge)
3. Kare Drugs, Grand Rapids, (O. DeWayne Roti, pharmacist-in-charge)
4. Bethel Hospital Pharmacy, Mountain Lake, (Roger D. Lehman, pharmacist-in-charge)

5. Long Prairie Memorial Hospital Pharmacy, Long Prairie,
(Robert A. Washburn, pharmacist-in-charge)
6. Northfield City Hospital Pharmacy, Northfield, (Roger
E. Maertens, pharmacist-in-charge)

Mr. Nelson moved and Mr. Seifert seconded that licenses to operate pharmacies be granted to the above applicants subject to physical inspection and approval of the premises. Motion passed.

The secretary described efforts by Pharmacist James V. French to partially account for discrepancies developed during a recent accountability of his pharmacy. The discrepancies were checked by Inspector Schlekau to rule out any duplication of entries made by Inspectors Schlekau and Howard. The secretary indicated that he has requested the local office of the Bureau of Narcotics and Dangerous Drugs to furnish undercover agents to make a series of buys at Minnesota Pharmacare Inc., such buys to be coordinated by the Board of Pharmacy and used in a possible citation proceedings rather than subsequent to the normal proceedings of the Bureau of Narcotics and Dangerous Drugs.

It was suggested that the Greeman Pharmacy also be included in these shopping investigations.

The secretary indicated that some discrepancies remain in the accountability picture at Ross Pharmacy as well as the Plymouth Drug. Because of the previous involvement of one of the pharmacists at Ross Drug in illicit distribution of drugs an investigation involving attempted buys will be initiated there also.

The secretary then summarized a budget proposal developed over the next three legislative biennia to account for anticipated growth in Board programs, possible changes in personnel, increases in cost of operations, etc. This long range budgetary projection was developed in preparation for testimony before the 1969 legislature in order to justify increased ceilings for pharmacy and pharmacist renewal fees. As a result of this survey it was recommended by the secretary that the ceiling for license fees for pharmacies be reduced from a legislative request of \$50 to a request of \$40. Mr. Quistgard moved and Mr. Anderson seconded that the license fees for pharmacies be so reduced in the 1969 legislative request. Motion passed.

The secretary reported on a survey of per diem paid to all professional and occupational regulatory licensing boards. Mr. Anderson moved and Mr. Quistgard seconded that because of the

increased costs of replacing pharmacists while in attendance at Board meetings, that the per diem requested in the 1969 legislature be not less than \$50 a day for Board members and that it be equivalent to any greater amount requested by any other health profession in the 1969 legislature. Motion passed.

The secretary indicated that press releases would be prepared announcing the registration of pharmacists as well as the election of new officers of the Board.

Mr. Nelson moved and Mr. Quistgard seconded that the fee for registration by reciprocity be increased from \$50 to \$75 in the 1969 legislative request provided that such fee be not retroactive to any candidate who has already filed on the basis of the existing \$50 fee. Motion passed.

Mr. Quistgard moved and Mr. Nelson seconded that the examination fee be increased to \$30 in the 1969 legislative request. Motion passed.

Mr. Quistgard moved and Mr. Nelson seconded that Paul G. Grussing and Edna A. DeRubis be elected as secretary and assistant secretary for the 1969 calendar year. Motion passed.

Mr. Anderson moved and Mr. Seifert seconded that the following actions be taken by this Board for the year 1969: (1) That the required bonds for the secretary and employees be provided as needed, (2) That the membership dues for the National Association of Boards of Pharmacy be approved for payment, (3) That all Board members and the secretary be elected as delegates to the 1969 meeting of the National Association of Boards of Pharmacy, (4) That the renewal fee for assistant pharmacists be set at \$3, (5) That the examination fee be raised to the legislative ceiling of \$30 once approved by the legislature, (6) That the fee for reciprocity be raised to \$75 once approved by the legislature, (7) That the registration fee be set at \$10, (8) That no moneys be transferred to the Minnesota State Pharmaceutical Association as allowed by Statute at this time, (9) That the 1969 legislative request include registration fees for wholesalers and manufacturers of \$100 each, (10) That the license fee for pharmacists be raised to \$25 if allowed by the legislature and (11) That the household drug renewal license be again set at \$5. Motion passed.

The secretary was instructed to notify by telegram all candidates by examination of their success in passing the Board examination. Persons who failed the examination and reciprocity candidates will receive letters next week.

After a review of the discussions concerning the proposed regulations, Mr. Nelson moved and Mr. Seifert seconded that the following Resolution be adopted by the Board:

RESOLUTION BY MINNESOTA STATE BOARD OF PHARMACY
ADOPTING RULES AND REGULATIONS

WHEREAS, a public hearing was held on November 13, 1968, in Room B, Veterans Service Building, Capitol Complex, St. Paul, Minnesota, concerning the adoption of proposed Rules and Regulations, and

WHEREAS, said public hearing was held after proper notice required by Minnesota Statutes, 1967, Section 15.0412, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, and

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

WHEREAS, all interested persons were afforded an opportunity to present further written material, data, arguments and briefs through December 16, 1968, and

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

WHEREAS, Lowell J. Anderson was not a member of the Board of Pharmacy at the time of the public hearing but was in attendance for a part of said public hearing and further, has read the transcript of said hearing, and

WHEREAS, all members of the State Board of Pharmacy have considered all of the evidence adduced at the public hearing and have considered all of the written material, data, statements, arguments and briefs submitted at the said public hearing and that which was submitted subsequent thereto through December 16, 1968, and

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

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

NOW THEREFORE,

"BE IT RESOLVED, That the Rules and Regulations marked Exhibit A attached hereto and made a part hereof be and hereby are approved and adopted pursuant to au-

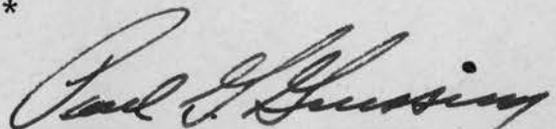
thority vested in us by Minnesota Statutes, 1967, Section 151.06.

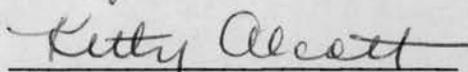
BE IT FURTHER RESOLVED, That upon the filing of the said Rules and Regulations with the office of the Secretary of State of the State of Minnesota, and with the office of the Commissioner of Administration of the State of Minnesota, all prior Rules and Regulations of the State Board of Pharmacy adopted by it prior to the said effective date of the Rules and Regulations set forth in said Exhibit A be and hereby are repealed.

BE IT FURTHER RESOLVED, That Paul G. Grussing be and hereby is authorized to execute a Certificate certifying the passage of this Resolution and he is further directed to submit to the office of the Attorney General of the State of Minnesota all of the necessary papers, documents and transcripts, and further to serve notice upon those persons who objected to the legality of one or more of the proposed Regulations of the day upon which the said Rules and Regulations will be submitted to the Attorney General for his approval".

Motion passed unanimously.

Mr. Seifert moved and Mr. Anderson seconded that the meeting be adjourned at approximately 12:15 o'clock P.M. Motion passed.


Paul G. Grussing, Secretary


Kitty Alcott, President

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- Regulation 6. Separate License Required
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PHARMACIES

Regulation 1

PHARMACY DEFINED

The term "pharmacy" means a drug store or other established place regularly registered by the State Board of Pharmacy, in which prescriptions, drugs, medicines, chemicals and poisons are compounded, dispensed, vended or sold at retail. Whenever an applicable regulation requires or prohibits action by a "pharmacy", responsibility for said action shall be that of the owner and pharmacist-in-charge thereof, whether said owner is a sole proprietor, partnership, association, corporation or otherwise.

Regulation 2

LICENSE REQUIRED

No person shall conduct a pharmacy in the State of Minnesota unless it is licensed and registered by the State Board of Pharmacy. A fee, set by the Board but not to exceed that prescribed by statute, shall be charged for each license and registration.

Regulation 3

FORM OF APPLICATION AND LICENSE

Applications for the licensing and registration and renewal thereof of a pharmacy shall be on such form or forms as the State Board of Pharmacy may from time to time prescribe and the license and registration of such pharmacy shall be issued by the State Board of Pharmacy in such form as it may from time to time prescribe.

Each license registers the pharmacy for which application for licensing and registration was made.

Regulation 4

LICENSES, ANNUAL REGISTRATION DATE AND FEES

Each pharmacy license shall expire on June 30 of each year and shall be renewed annually by filing an application therefore, on or before June 1 of each year, together with a fee set by the Board but not to exceed that prescribed by statute.

Regulation 5

POSTING OF LICENSE

Each pharmacy license shall be posted in a conspicuous place in the pharmacy for which the license has been issued.

Regulation 6

SEPARATE LICENSE REQUIRED

A separate license shall be required for each pharmacy and is not transferable. The following shall be deemed a transfer:

- a. The sale of all or substantially all of the assets of the pharmacy,
- b. The addition of one or more partners in a partnership, to which a pharmacy license has been issued,
- c. The change of ownership of 30% or more of the voting stock of a corporation pharmacy since the issuance of the license or the last renewal thereof. This shall not apply to any corporation, the voting stock of which is actively traded on any securities exchange or in any over the counter market.

Regulation 7

ACCESS, SPACE AND SECURITY REQUIREMENTS

No person shall be issued a license to conduct a pharmacy unless such pharmacy:

- a. Has an entrance which affords the public reasonable access to the pharmacy,
- b. Contains more than 400 and less than 12,500 square feet,
- c. Contains only one floor level devoted to the compounding, dispensing or sale of drugs,
- d. Is surrounded by a continuous partition or wall extending from floor to ceiling, which wall shall contain doors capable of being securely locked to prevent entry when the pharmacy is closed.

In the interest of public health the Board may waive any of these provisions for pharmacies located in hospitals. Any pharmacy, except a pharmacy located in a hospital, which had been granted a license prior to the effective date hereof and which does not comply with one or more of the requirements set forth in Subdivision (a) through (d) above, shall be given one year from the date hereof to comply therewith. Non-compliance by such pharmacies within said stated period of time shall be deemed to be conducting a pharmacy without license and registration.

Regulation 8

CHANCE IN LOCATION, DIMENSION, OR SECURITY

Before a duly licensed and registered pharmacy changes the location of its business, it shall first submit to the State Board of Pharmacy a new application for a license and registration setting forth such changes, and shall submit therewith the information and documents required in an initial application for license and registration. If the State Board of Pharmacy approves such application, no additional charge shall be made for such new license.

No duly licensed and registered pharmacy shall change its physical dimensions or elements of physical security until it has submitted documents and plans of the proposed changes to the State Board of Pharmacy. The board shall within thirty days after receipt of the proposed changes notify the licensee that the proposed changes either comply or do not comply with Regulation 7. The failure of the board to respond in writing within said thirty days shall be deemed to be approval of the proposed changes.

Regulation 9

QUALIFICATIONS OF APPLICANT

The State Board of Pharmacy may refuse to issue a pharmacy license when the sole proprietor, partnership or member of the partnership, association, corporation or officer, director or shareholder owning 30% or more of the voting stock of such corporation:

- a. Has submitted an application for such license containing fraudulent, deceptive or untrue statements or documents in connection therewith,
- b. Has been convicted in any Court of a felony,
- c. Has been convicted in any Court of an offense involving moral turpitude,
- d. Habitually indulges in the use of narcotics, stimulant or depressant drugs; or habitually indulges in intoxicating liquors in a manner which could cause incompetency in the practice of pharmacy,
- e. Has owned or operated a pharmacy in such a manner as would establish to the satisfaction of the State Board of Pharmacy a pattern of willful and purposeful violation of the applicable laws and regulations or acts inconsistent with accepted professional standards of conduct and practice,
- f. Has been convicted of theft of drugs or the unauthorized use, possession or sale thereof,
- g. Has had his pharmacist license, or a pharmacy license, revoked under Minnesota Statutes, Section 151.06, Subdivision (6), or 151.20.

Regulation 10

PHARMACIST ON DUTY

Each pharmacy shall have at least one registered pharmacist on duty and physically present in the pharmacy at all times that the pharmacy is open for the transaction of business.

Regulation 11

MINIMUM EQUIPMENT REQUIRED IN PHARMACIES

Each pharmacy must have on file the latest edition or revision of at least two of the following references:

- a. U.S. Pharmacopeia
- b. National Formulary
- c. U.S. Dispensatory
- d. Remington's Pharmaceutical Sciences
- e. American Hospital Formulary Service
- f. Physician's Desk Reference
- g. Facts and Comparisons
- h. Merck Manual
- i. Pharmindex
- j. The Pharmacological Basis of Therapeutics
- k. Modern Drug Encyclopedia
- l. An equivalent reference approved by the Board in writing

In addition, each pharmacy must also have the following minimum equipment:

- a. One prescription balance, class "A" as specified in regulations of the Department of Weights and Measures.
- b. One set of accurate Apothecary weights 1/2 grain to two drams.
- c. One set of accurate Metric weights from 50 mg. to 100 Gm.
- d. Counter scale and weights.
- e. Measuring device capable of accurately measuring volumes from fifteen minims to at least one pint; and from lcc. to at least 500cc.
- f. Mortars and Pestles--at least one 2 oz.; at least one 8 oz.; and at least one pint size.
- g. Spatulas--stainless steel, at least three assorted sizes; and one non-metallic medium size.
- h. Funnels, one 2 oz.; one 8 oz.; one 16 oz.
- i. Stirring rods--at least one each, glass and rubber.
- j. Heating apparatus.
- k. One prescription counter with sufficient drawers and storage space.
- l. Suitable refrigeration.
- m. Narcotic drug locker or safe.
- n. Counter sink.
- o. Toilet with a handwashing lavatory and disposable towels in a location which is reasonably accessible.
- p. Proper sanitary conditions shall be maintained at all times.

Regulation 12

SALE OF DRUGS RESTRICTED TO LIMITED AREA UNDER SUPERVISION

Hereafter the Board of Pharmacy of the State of Minnesota shall refuse to register or grant a license to any pharmacy which advertises, sells, or proposes to sell therein, merchandise in any manner, like or similar to the manner in which merchandise is sold in super markets or other stores commonly known as self-service stores using one or more check-out counters, unless there is provided in such pharmacy a drug area which shall be used exclusively for the display, sale, compounding and dispensing of drugs, medicines, chemicals, poisons, and for the display and sale of other items used in the cure, mitigation, treatment, or prevention of disease in man or other animals; which drug area shall include within it the prescription department of such pharmacy. Any sale of drugs, medicines, chemicals or poisons must be made and completed in its entirety within the drug area by or under the personal supervision of a pharmacist or of an assistant pharmacist in the temporary absence of the pharmacist. (33156)

Regulation 13

SELF-SERVICE OF DRUGS

(a) No registered pharmacy or other registered store shall display or offer for sale, drugs, medicines, chemicals or poisons in any manner designed to permit the purchaser to serve himself. (b) No pharmacist or other person employed in a store registered under M.S. 1953 Section 151.26, or a pharmacy, shall sell to any person any drug, medicine, chemical or poison to which such person has served himself. (33156)

Regulations 14-20. Reserved for Future Use

PHARMACISTS

Regulation 21

PHARMACIST-IN-CHARGE, REQUIREMENT, DEFINITION AND DUTIES

No person shall conduct a pharmacy without a pharmacist-in-charge who shall be designated in the application for license and registration, each renewal thereof or pursuant to Regulation 23. The term "pharmacist-in-charge" means a duly licensed pharmacist in the State of Minnesota who has been so designated, and it shall be his duty and responsibility consistent with the accepted standards of professional conduct and practice and in compliance with all applicable laws and regulations:

- a. To establish for the employees of the pharmacy, policies and procedures for the procurement, storage, compounding and dispensing of drugs,
- b. To supervise all of the professional employees of the pharmacy,
- c. To supervise all of the non-professional employees of the pharmacy in so far as their duties relate to the sale and/or storage of drugs,
- d. To establish and supervise the method and manner for the storing and safekeeping of drugs,
- e. To establish and supervise the record keeping system for the purchase, sale, possession, storage, safekeeping and return of drugs,
- f. To notify the Board immediately upon his knowledge that his services as pharmacist-in-charge have been or will be terminated.

Regulation 22

PHARMACIST-IN-CHARGE, MORE THAN ONE LOCATION

No pharmacist shall be designated pharmacist-in-charge of more than one pharmacy. In the interest of public health, this requirement may be waived in the case of a pharmacist serving a hospital pharmacy on a part-time basis.

Regulation 23

PHARMACIST-IN-CHARGE, TERMINATION OF SERVICE

Each pharmacy shall notify the State Board of Pharmacy immediately upon knowledge of the termination of the services of the pharmacist-in-charge and further, shall immediately designate a successor pharmacist-in-charge and immediately notify the State Board of Pharmacy of such designation. The State Board of Pharmacy upon receiving such notice shall furnish the successor pharmacist-in-charge such form or forms as it may from time to time prescribe which form or forms must be completed by the successor pharmacist-in-charge and filed with the State Board of Pharmacy within 10 days after receipt thereof. The failure to designate a successor pharmacist-in-charge, and notify the State Board of Pharmacy of such designation shall be deemed to be operating a pharmacy without a license.

Regulation 24

NOTIFICATION OF CHANGE OF BUSINESS OR RESIDENCE ADDRESS

Each pharmacist, assistant pharmacist, and registered pharmacist-intern shall notify the Board of Pharmacy immediately of any change in location of his employment or any change of his residence address.

Regulation 25

POSTING OF LICENSE

Each pharmacist shall post his license or renewal thereof in a conspicuous place in the pharmacy in which he is practicing his profession.

Regulation 26-30. Reserved for Future Use

PROFESSIONAL PRACTICE

Regulation 31

VENDING MACHINES

It shall be deemed unlawful to distribute, dispense or vend any drug by automatic or vending machine. (72162)

Regulation 32

RETURN OF DRUGS AND DEVICES PROHIBITED

Pharmacists and pharmacies are prohibited from accepting from patients or their agents for reuse, reissue or resale any drugs, prescribed medications, chemicals, poisons or medical devices; except that in a hospital with a license pharmacy, drugs, devices or other items may be returned to the pharmacy for disposition by a pharmacist in accordance with good professional practice. This regulation shall not apply to the return of medical devices provided that proper sanitary procedures are used prior to the reuse, resale or re-renta thereof.

Regulation 33

MAIL ORDER SALE

Hereafter no pharmacist or pharmacy shall solicit by advertising of any kind the sale or distribution of drugs by prescription by any mail order plan or any form. The mail order sale of drugs by prescription is prohibited whenever such sale has been solicited by advertising of any kind by any person or persons. No pharmacist or pharmacy shall accept or fill a prescription which has been received by mail and that has been written by a practitioner not licensed to practice his profession in this state. (31660-10661)

Regulation 34

PRESCRIPTION BLANKS

No licensed pharmacy, or pharmacist, shall accept, furnish, or cause to be furnished to any practitioner authorized by law to prescribe drugs and medicines, prescription blanks referring to any specific licensed pharmacy or pharmacist in any manner whatsoever. No licensed pharmacy, or pharmacist shall actively or passively participate in any arrangement or agreement whereby prescriptions are prepared, written or issued in a manner which refers to a specific pharmacy or pharmacist.

Regulation 35

ACCEPTANCE OF PRESCRIPTION ORDER AND DISTRIBUTION OF PRESCRIPTION MEDICATION

No licensed pharmacist shall participate in any arrangement or agreement whereby prescriptions may be left at, picked up from, accepted by, or delivered to any place of business not licensed as a pharmacy. This shall apply to the prescription order blank and to the completed prescription medication container. Provided, however, that nothing in this section shall prohibit a licensed pharmacist or a licensed pharmacy by means of its employee or by use of a common carrier, from picking up prescriptions, or delivering prescriptions, at the office or home of the prescriber, at the residence of the patient, or at the hospital or medical care facility in which a patient is confined. (8366)

Regulation 36

COMPOUNDING AND DISPENSING

The practice of compounding and dispensing a prescription includes, but is not limited to the following acts, which shall be performed only by a pharmacist, assistant pharmacist, or pharmacist-intern under the immediate and personal supervision of a pharmacist.

1. Receipt of prescriptions, written or oral, (except that written prescriptions may be received by an agent of the pharmacist if the patient is immediately adjacent to prescription area and pharmacist to enable professional communication and consultation directly with the pharmacist).
2. Verification of prescribed dosage within proper limits.
3. Reading, interpretation and transcription to the prescription label, or verification of the transcription by initialing the label, of the prescriber's directions for use in a manner that communicates his directions for use precisely, and with assurance of understanding by the patient.
4. Selecting, compounding, mixing, combining, measuring, counting or otherwise preparing the drug or drugs needed to fill the individual prescription.
5. Permanently affixing properly prepared label to the container of the prescription medication.
6. Return of completed prescription medication to patient (except that completed prescription medication may be transmitted by an agent of the pharmacist if patient is immediately adjacent to pharmacist and prescription area to enable professional communication and consultation with the pharmacist).

Regulation 36 continued

7. Obtaining, when required by law and in the best professional practice, permission to refill from authorized prescribers, and noting on the reverse side of the prescription the following data:
 - (a) date refilled
 - (b) initials of practitioner authorizing refill (if different from original prescriber)
 - (c) quantity of drug dispensed if different from the original prescription.
 - (d) initials or signature (when required) of person refilling prescription. (8366)

8. Supervision of non-pharmacist personnel in limited non-professional duties such as: looking up prescription refills, filing prescriptions, recordkeeping, non-professional aspects of presenting completed medications to patients and completing transaction, delivery.

Nothing in paragraphs one and six of this regulation shall prevent hospital pharmacists from accepting prescription orders or returning prescription medications via normal accepted in-patient hospital drug distribution practices. (8366)

Regulation 37

UNPROFESSIONAL CONDUCT

Unprofessional conduct shall include, but is not limited to, the following acts of a pharmacist or pharmacy:

- a. The assertion or inference in a public manner of professional superiority in the practice of pharmacy,
- b. The publication or circulation of false, misleading or otherwise deceptive statements concerning the practice of pharmacy,
- c. Refusing to compound and dispense prescriptions which may reasonably be expected to be compounded or dispensed in pharmacies by pharmacists,
- d. Participation in agreements or arrangements with any person, corporation, partnership, association, firm, or others involving rebates, "kickbacks", fee-splitting, or special charges in exchange for professional pharmaceutical services,
- e. Discriminating in any manner between patients or groups of patients, for reasons of religion, race, creed, color, sex or national origin,
- f. Refusing to consult with patrons or patients concerning contents, therapeutic values and uses of non-prescription drugs, chemicals or poisons,

Regulation 37 continued

- g. Requiring an individual patient to be a member of any organization, association or other group as a condition for obtaining the professional services of a pharmacist,
- h. The violation of any law, rule, regulation or ordinance of the State or any of its political subdivisions, including the State Board of Pharmacy, or the United States government or any agency thereof relating to the practice of pharmacy.
- i. Divulging or revealing to others the nature of professional pharmaceutical services rendered to a patient without his expressed consent orally or in writing or by order or direction of a Court. This shall not prevent pharmacies from providing information copies of prescriptions to other pharmacies or to the person to whom the prescription was issued and shall not prevent pharmacists from providing drug therapy information to physicians for their patients.
- j. Participation in institutional drug distribution as a consultant without providing pharmaceutical services in accordance with accepted principles of pharmacy practice and in compliance with Federal and State laws or regulations.
- k. The public promotion, direct or indirect, including but not limited to advertisement through any of the media of drugs requiring a prescription, narcotics, depressants or stimulants is hereby declared to be an act of unprofessional conduct by a pharmacist causing such public promotion or by the pharmacist-in-charge of a pharmacy engaged in such public promotion. The reference in any advertisement in any media or other means of price, percentile of prices or by the use of the terms "cut rate", "discount", "bargain" or terms of a similar connotation in connection with drugs requiring a prescription, narcotics, depressants or stimulants or for pharmaceutical services related thereto shall be included within the meaning of public promotion.

Regulation 38

PRE-PACKAGING

Pharmacies may pre-package and label drugs in convenient quantities for subsequent complete labeling and dispensing. Such drugs shall be pre-package by or under the direct supervision of a pharmacist. The supervising pharmacist shall cause to be prepared and kept a packaging control record containing the following information:

- a. Date
- b. Identification of drug
 - 1. Name

Regulation 38 continued.

2. Dosage form
3. Manufacturer
4. Manufacturer's lot number
5. Strength
6. Expiration date (if any)
- c. Container specification
- d. Copy of the label
- e. Initials of the packager
- f. Initials of the supervising pharmacist
- g. Quantity per container
- h. Internal control number or date

Each pre-packaged container shall bear a label containing the following information:

- a. Name
- b. Strength
- c. Internal control number or date
- d. Expiration date (if any)
- e. Auxiliary labels, as needed.

Regulation 39

BULK COMPOUNDING

Pharmacies may compound drugs in bulk quantities. Such drugs shall be compounded by or under the direct supervision of a pharmacist. For each drug product compounded in bulk quantities, a master formula record shall be prepared containing the following information:

- a. Name of the product
- b. Specimen or copy of label
- c. List of ingredients and quantities
- d. Description of container used
- e. Compounding instructions, procedures and specifications.

For each batch of drug product compounded, a production record shall be prepared and kept containing the following information:

- a. A copy of the information on the master formula record.
- b. Records of each step in the compounding process including:
 1. Dates
 2. Identification of ingredients (including lot numbers)
 3. Quantities of ingredients used
 4. Initials of person preparing each process
 5. Initials of pharmacist supervising each process
- c. A batch number
- d. Total yield

Regulation 39 continued

For each batch of drug product compounded, labels shall be prepared and affixed to each container containing the following information:

- a. Identifying name or formula
- b. Dosage form
- c. Strength
- d. Quantity per container
- e. Internal control number or date
- f. Expiration date (if any)
- g. Auxiliary labels, as needed

Regulation 40

PRESCRIPTION LABELING

All drugs dispensed by a pharmacy pursuant to a prescription shall be labeled with the following information:

- a. Identification of Pharmacy
- b. Patient's name
- c. Prescription number
- d. Name of prescribing practitioner
- e. Directions for use
- f. Name of drug (if specified by prescriber)
- g. Auxiliary labels, as needed
- h. Date of original issue or renewal
- i. For narcotic drugs:
 1. Address of patient
 2. Address and registry number of prescriber
 3. Address and registry number of pharmacy

Regulations 41-50. Reserved for Future Use

PROHIBITED DRUGS

Regulation 51

DEPRESSANT AND STIMULANT DRUGS

The following drugs and substances are hereby defined as having a potential for abuse and are injurious to health because of their depressant or stimulant effects upon the central nervous system or their hallucinogenic effects and are, therefore, subject to the provisions of Minnesota Statutes, Chapter 152:

DOM (4-Methyl-2,5-dimethoxyamphetamine)

(A public hearing was held on August 14, 1968, and a transcript of that hearing filed with the office of the Attorney General and pursuant

Regulation 51 continued

thereto the board adopted the regulation which was filed with the Secretary of State on October 4, 1968.)

Regulations 52-60. Reserved for Future Use

Regulation 61

INTERNSHIP

A regulation for the purpose of defining and regulating the internship experience of prospective pharmacists as required by Minnesota Statutes, Chapter 151.10.

This regulation shall take effect immediately but the provisions contained herein shall not nullify any period of internship service by any individual previous to its adoption provided such period of internship is filed in a proper manner with the secretary of the Board of Pharmacy.

I. Definitions

- (a) "Pharmacist Intern" and "Intern" means a natural person registered by the State Board of Pharmacy for the purpose of obtaining instruction in the practice of pharmacy from a pharmacist licensed in this state. The Board may register, as an intern, any natural person who has satisfied the Board that he is of good moral character, not disabled or unfit, who has successfully completed not less than one year of pre-pharmacy training and who is enrolled in the College of Pharmacy, University of Minnesota, or other college approved by the Board, or who has successfully completed not less than one year of the two-year pre-pharmacy program and who is satisfactorily progressing toward the completion of the two-year pre-pharmacy program.
- (b) "Preceptor" means a natural person licensed as a pharmacist by the State Board of Pharmacy, or by the duly constituted licensing agency of any state.
- (c) "Year of practical experience in pharmacy" means fifty-two work weeks of not less than 40 hours per week of internship training acquired under the supervision of a preceptor, not concurrent with full time academic work or other than during summer vacation periods.
- (d) "Supervision", as used in connection with this regulation, means that in the pharmacy where the intern is being trained, a registered pharmacist designated as preceptor, or another registered pharmacist, shall be in continuous personal contact with and actually giving instructions to the intern during all professional activities of the entire period of his internship.

Regulation 61 continued

II. Registration and Reporting

- (a) Every person shall register with the Board before beginning his internship. Registration shall remain in effect during successive training periods if progress reports, and affidavits of experience required by the Board are executed promptly upon beginning or terminating employment, and if the Board is satisfied that the registrant is in good faith and with reasonable diligence is pursuing a degree in pharmacy.

Credit for internship time will not be granted unless registration, progress reports and affidavits of experience for preceding time are completed.

- (b) The pharmacist-intern shall be so designated in his professional relationships, and shall in no manner falsely assume, directly or by inference, to be a pharmacist. The Board shall upon proper registration issue to the intern a pocket registration card for purposes of identification and verification of his role as an intern, which card shall be surrendered to the secretary of the Board upon termination of the internship program.
- (c) All registered interns shall notify the Board immediately upon change of employment or mailing address.
- (d) The intern shall maintain additional records of his professional activities. Such records are to be prescribed by the Board for the purpose of recording details of the scope of internship experience, and are to be submitted not less than quarterly during the internship year.

III. Training Requirements

The intent of this regulation is to: provide a proper preceptor-intern (teacher-student) relationship within the context of the employer-employee relationship and provide a broad base of internship experience and to supplement academic training in a manner which prepares the intern for all aspects of the practice of pharmacy.

- (a) Nothing in this regulation shall imply that the standards described herein are acceptable to other states on a reciprocal basis.
- (b) When an intern desires to obtain credit for training received in a state other than Minnesota, he shall abide by all the provisions of this regulation. Where a possible conflict may exist between the provisions of this rule and the requirements of the state in which the intern is training, the intern shall contact the secretary of the Board of Pharmacy and outline any possible problem.
- (c) No more than one intern shall be trained by a preceptor at one time.

Regulation 61 continued

- (d) Upon registration, interns and preceptors will be furnished a copy of the "Pharmacy Preceptor's Guide" sponsored by the National Association of Boards of Pharmacy and the American Association of Colleges of Pharmacy. The guide is furnished to suggest appropriate types, scope and order of training experiences. It is not intended to be restricted in the method of instruction, but shall be used as a guide to insure that the intern's practical experiences are commensurate with his educational level, and that his total experience will be broad in scope. (8366)

Regulations 62-70. Reserved for Future Use

PHARMACEUTICAL SERVICES TO PATIENTS IN
NURSING HOMES AND RESIDENTS OF BOARDING CARE HOMES

The provisions of Regulations 71 through 80 are applicable to pharmaceutical services provided to patients in nursing homes and boarding care homes, provided however, that Regulations 1 through 70 shall also be applicable to such pharmaceutical services, unless specifically exempted by Regulations 71 through 80 or are in direct conflict therewith, in which case Regulations 71 through 80 shall apply.

Regulation 71

PRESCRIPTION ORDER COMMUNICATION

Pharmacists and pharmacies shall accept orders for dispensing and refilling only if such orders are communicated directly from the prescriber or transmitted through his agent. Such orders may be in writing or an oral order reduced to writing by the pharmacist and may include authorization for multiple refills consistent with good practice and legal limitations. A facsimile copy of the prescriber's medication order may be accepted and filed as a prescription by the pharmacy.

Regulation 72

PRESCRIPTION LABELING

All prescription containers shall be properly labeled in accordance with Regulation 40 and in addition thereto shall contain the following information:

- a. Name of drug
- b. Quantity of drug
- c. Potency of drug
- d. Date of original issue, or in the case of a refill, the most recent date thereof
- e. Expiration date, when applicable

Regulation 73

LABELING OF INSULIN

Insulin, if sold without a prescription shall be dispensed with a label affixed to the vial showing the patient's full name and expiration date of the drug.

Regulation 74

DRUGS FOR USE IN EMERGENCY KITS

Pharmacies may dispense upon written or oral order from a practitioner licensed to prescribe drugs, limited supplies of drugs for use in an emergency kit maintained by the physician in compliance with Minnesota State Board of Health Regulations.

Regulations 75-80 Reserved for Future Use

PHARMACEUTICAL SERVICES TO PATIENTS IN HOSPITALS

The provisions of Regulations 81 through 100 are applicable to pharmaceutical services provided to patients in hospitals, provided however, that Regulations 1 through 70 shall also be applicable to such pharmaceutical services, unless specifically exempted by Regulations 81 through 100 or are in direct conflict therewith, in which case Regulations 81 through 100 shall apply.

Regulation 81

FUNCTIONS OF THE HOSPITAL PHARMACY

In the interest of good patient care, the functions of the hospital pharmacy include, but are not limited to the following:

- a. Procurement, bulk compounding, identification, security, storage, record keeping, compounding, and dispensing of all drugs in compliance with Federal and State laws and regulations.
- b. Inspection of drugs throughout the hospital for evidence of proper storage, labeling, potency and use.
- c. Provisions for product information and drug education service.
- d. Maintenance of a policy and procedure for emergency pharmaceutical services.

Regulation 81 continued

- e. Preceptor supervision in the training of pharmacist-interns.
- f. Participation in the hospital's Pharmacy and Therapeutics Committee.
- g. Orientation of hospital personnel in matters pertaining to pharmacy policy.
- h. Establishment of policies and procedures for mixing or preparation of drugs for parenteral administration to in-patients.

Regulation 82

HOURS OF OPERATION

The hours of operation shall be sufficient to adequately provide all of the professional pharmacy services required by Regulation 81 and such services shall be provided not less than five days out of each calendar week, provided that when the pharmacy is closed emergency pharmaceutical services shall be provided in accordance with Regulation 83.

Regulation 83

SECURITY AND EMERGENCY ACCESS

Only a pharmacist may have access to the pharmacy except in the following situations and under the following conditions set forth below:

- a. In case of disaster the hospital administrator may allow access for purposes of emergency maintenance, disaster prevention and control, and patient safety.
- b. For purposes of withdrawing limited doses of drugs for administration in emergencies when the pharmacy is closed, if the drugs are not available in floor or emergency drug supplies, a designated registered nurse may make emergency withdrawal of sufficient doses required by a patient until the pharmacy reopens. Only a designated registered nurse in any given shift may have emergency access.

The person withdrawing from a bulk stock container the limited doses for administration shall leave in the pharmacy, on a form developed by the pharmacy, a record of the drugs withdrawn showing:

- 1. The patient's name
- 2. The name of the drug and dose prescribed
- 3. Drug strength

Regulation 83 continued

4. The amount taken
5. The time and date
6. The signature of nurse or physician withdrawing drug

The person withdrawing the drug from a bulk stock container shall place upon the record of withdrawal the container from which the limited doses were taken so that the withdrawal may be verified by the pharmacy.

The pharmacist-in-charge shall develop an emergency access procedure, and may make provision for pre-packaged drugs for emergency withdrawal provided the number of doses does not exceed the number usually required by a patient during the time the pharmacy is closed.

Regulation 84

REQUIRED RECORDS

The following records shall be filed and maintained by the pharmacy for a period of time as required by law:

- a. All records of procurement required by Federal or State laws or regulations.
- b. All drug orders, requisitions, prescriptions or other suitable forms initiated by the prescriber from which drugs are dispensed.
- c. All control records of packaging, bulk compounding or manufacturing.
- d. All records of drug recalls.

Regulation 85

AUTOMATIC STOP ORDERS

Drugs for individual patients shall be dispensed in limited quantities in compliance with the automatic stop order policy set by the medical staff.

Regulation 86

RESPONSIBILITY FOR QUALITY OF DRUGS DISPENSED

The pharmacist-in-charge shall be responsible for the quality of drugs dispensed and shall establish procedures and records to control product specifications.

Regulation 87

PHARMACEUTICAL SERVICES TO
HOSPITALS FROM OFF-PREMISES PHARMACIES

An off-premises pharmacy may compound and dispense drugs to a hospital upon the order of an agent of such hospital provided that the pharmacy keeps records of all drugs dispensed. Such dispensing shall not be considered to be drug wholesaling. The services offered to the hospital by the off-premises pharmacy shall include but shall not be limited to those enumerated in Regulation No. 81.

Regulation 88

LABELING

A. Out-patient prescriptions:

Labels for out-patient prescriptions shall comply with Regulation 40. Labels for out-patient non-prescription drugs shall comply with the federal labeling regulations. Drugs originally dispensed to an in-patient shall be returned to the pharmacy for proper labeling before leaving the hospital premises.

B. In-patient prescriptions:

All prescriptions dispensed to in-patients shall be labeled with the following information:

1. Identification of pharmacy
2. Name of patient
3. Name of drug
4. Dosage form of drug (if parenteral only)
5. Strength of drug
6. Auxiliary labels as needed
7. Expiration date, if any
8. Date

C. Floor stock:

All drugs dispensed as floor stock shall be labeled with the following information:

1. Identification of pharmacy or other source
2. Name of drug or list of ingredients
3. Strength of drug or amount of ingredients
4. Auxiliary labels as needed
5. Expiration date, if any
6. Average dose
7. Control number or date of issue

Regulation 89

EXTENSION OF PHARMACY SERVICES UNDER LICENSE

A licensed pharmacy in a hospital may utilize additional locations within the hospital without the necessity of securing additional licenses, provided, however, that the pharmacist-in-charge of any such hospital pharmacy shall designate another licensed pharmacist to assume professional responsibility, in accordance with Regulation 21, for the practice of pharmacy in each such additional location.

Regulations 90-100. Reserved for Future Use

Exhibit B

STATE OF MINNESOTA

DEPARTMENT Minnesota State Board of Pharmacy

Office Memorandum

TO : Honorable Douglas Head
Attorney General

DATE: February 5, 1969

FROM : Paul G. Grussing, Secretary

SUBJECT: Proposed Board of Pharmacy Regulations considered at November 13, 1968 hearing.

In accordance with the September 1968 manual of rule making procedures, this memorandum is provided to indicate the reasons for the proposed regulations. For those proposed regulations which are accompanied by a rather lengthy statement of reasons, your attention is invited to the reasons advocated in the attached transcript of the November 13 public hearing.

Regulation 1

Based on the statutory definition of the term "pharmacy", the Board has attempted to overcome use of the term pharmacy in a sense which would require action by an inanimate entity, the pharmacy. For example, certain proposed regulations contain language to the effect that "Each pharmacy shall..., etc., etc." One proposed regulation requires delegation of professional responsibility to a pharmacist-in-charge.

Regulation 2

This regulation is essentially a restatement of the statutory requirements for licensure. The Board requests the legislature to set fees which are viewed as a ceiling by the Board. Actual fees are determined by program needs and may not be as large as the statutory ceiling. The language of the regulation should not tie in directly to the statutory fee, or an expensive and time consuming regulatory change would have to be made each time a statutory change occurs.

Regulation 3

The Board has been given the statutory authority to prescribe the form of license, and it therefore must assume the authority to also prescribe the form of the application for the license.

Regulation 4

Under the present statutory requirement wherein licenses expire on June 30 of each year, the Board is not presently able to properly review each renewal application in time to issue the renewal certificate by July 1 of each year. This proposal advances the deadline date by one month to avoid a peak of renewal applications just before the statutory deadline and to make possible the orderly review of the applications so that the renewal certificates may be issued on or before the expiration date.

Regulation 5

The public is entitled to evidence that a licensed place of practice demonstrates its proper licensure status. Accordingly, the Board is proposing that such licenses and renewals be posted in a conspicuous place in each pharmacy.

Regulation 6

Under the statutory requirement that the Board shall require the annual registration of every pharmacy, the Board assumes the authority to require a separate license for every pharmacy and the further requirement that such a license cannot be transferable. In order to determine whether a person, partnership, or corporation is qualified by law to conduct a pharmacy, the Board makes inquiry into the type of proposed pharmacy ownership. For efficient execution of applications for licenses to operate pharmacies, applicants can reasonably turn to the Board of Pharmacy for a standard defining what constitutes a change of ownership. Therefore, the standards A, B, and C are also necessary for efficient processing of the license applications by the Board of Pharmacy office.

The addition of a partner in a pharmacy partnership would require the Board to review the qualifications of the additional partner in accordance with proposed Regulation 9. The subtraction of a partner from a pharmacy partnership does not produce a new entity for Board review.

The application for a license to operate a pharmacy requires disclosure of ownership information so that the Board can make inquiry into the qualifications of principal shareholders. The 30% ownership standard is held to be a reasonable figure which could significantly affect professional policy and management control of the corporation. A necessary exception has been made for publicly owned corporations in which even notably large changes in ownership would not visibly affect professional policy making and management control. The Board also recognizes the impracticality of applying the 30% standard to publicly owned corporations.

Regulation 7

Please refer to the reasons cited on pages 57 through 60 of the transcript.

Regulation 8

Extensive remodeling affecting security and the outside dimensions of pharmacies present some of the same areas of concern to the Board as do new license applications and the movements of licensed pharmacies from one location to another. When a pharmacy moves from one location to another, it is in effect a new pharmacy. However, in these cases no fee would be required for the license. When a pharmacy changes its physical dimensions or elements of physical security, these are of the same concern to the Board as they were at the time of the original application. It has been the Board's experience that many flaws in security are detected upon visits to moved or remodeled pharmacies and review of blueprints and other documents has saved many pharmacists from making expensive modifications in security after the installation of a sub-standard feature not previously reported to the Board.

Regulation 9

A statement of the Board's reasons for proposed Regulation 9 is found on pages 95 through 97 of the attached transcript.

Regulation 10

This regulation is a restatement of the statute and is necessary for security reasons and to insure the public of pharmaceutical services for which the license has been issued.

Regulation 11

Minimum standards for physical equipment are common among Boards of Pharmacy regulations, standards of the National Association of Boards of Pharmacy, and the Dept. of HEW Hospital and Nursing Home Equipment Guide. While it is true that prescriptions requiring manipulation of several ingredients into one drug product are decreasing in number, the need for proper equipment to compound and dispense that type of prescription remains obvious.

This proposal expands the list of accepted texts and references from which the pharmacist may select. It has also modified existing equipment specifications to bring them into conformity with current practice.

Regulation 12

Present Regulation number 18 is re-numbered as number 12.

Regulation 13

Present Regulation number 19 is re-numbered as number 13.

Regulation 21

The Board's reasons for this proposed regulation are found on pages 125 and 126 of the transcript of the hearing attached.

Regulation 22

In order to insure close supervision of the professional activities within a pharmacy, it is necessary to require that a pharmacist may assume responsibility for one pharmacy only. Because of 1-pharmacist pharmacies in 1-pharmacy communities the Board would waive this requirement for such a situation where the only pharmacist in a community would want to establish a part-time pharmacy at the local hospital.

Regulation 23

The Board should know who the actual pharmacist-in-charge of each pharmacy is. This proposal allows for an orderly, reasonable transfer of authority and improves the existing regulation which requires surrender of the license--an unworkable procedure which for a time leaves the pharmacy operating illegally.

Regulation 24

The place of an individual's practice is a reasonable requirement for reporting to the Board as is the residence address. The Board communicates with pharmacists concerning drug recalls, changes in federal and state laws or regulations, and issues bulletins concerning various hazards in drug distribution. It also communicates with pharmacists with respect to confidential information concerning disciplinary matters, and such information should be directed to the individual's residence to maintain confidence. Also, many pharmacists are not engaged in the active compounding and dispensing aspects of practice, yet require up-to-date information which then must be mailed to their homes since they have no place of practice.

Regulation 25

The public through its agencies licenses health professionals and the public should see evidence of such licensure in each pharmacy.

Regulation 31

Present Regulation number 22 is re-numbered as 31.

Regulation 32

The re-issue of medication which has been in the hands of patients is poor practice raising questions of sanitation, product identity and drug adulteration. Return for purposes of destruction or return to the manufacturer constitutes no hazard, but return for re-use is prohibited. The hospital exception is based on the fact that medications are not usually handled by patients. If handled by patients at bedside this exception would not apply.

Many medical devices such as crutches, wheelchairs, walkers, etc. are customarily rented rather than sold by pharmacies. It is reasonable to permit their re-use only if proper sanitary procedures have been employed to insure safe use by subsequent users.

Regulation 33

Present Regulation number 20 is re-numbered as number 33.

Regulation 34

The furnishing of prescription blanks referring to a particular pharmacy has misled patients to believe that certain medications were available only from the pharmacy indicated in the prescription blank. This practice also forces the prescriber involved to violate his own professional code of ethics.

Regulation 35

Present Regulation number 24 is re-numbered as number 35.

Regulation 36

Present Regulation number 25 is re-numbered as number 36.

Regulation 37

Detailed reasons for this proposed regulation are found on pages 151 through 176 of the attached hearing transcript. Pages 151 through 163 provide background information supporting the professional nature of the practice of pharmacy. Specific reasons for subcategories A. through H. (referred to as 1 through 11 during the hearing) begin on page 168 of the transcript.

Regulation 38

The specific reasons for proposed Regulation 38 appear on pages 227 and 228 of the testimony.

Regulation 39

The reasons for proposed Regulation 39 appear on pages 233 and 234 of the attached transcript.

Regulation 40

The reasons for proposed Regulation 40 appear on pages 238 and 239 of the attached hearing transcript.

Regulation 51

A public hearing was held on August 14, 1968, and a transcript of that hearing filed with the office of the Attorney General and pursuant thereto the Board adopted Regulation 51 which was filed with the Secretary of State on October 4, 1968.

Regulation 61

Present Regulation number 26 is re-numbered as number 61.

Regulation 71

Reasons for proposed Regulation 71 appear on pages 241 through 244 of the attached hearing transcript.

Regulation 72

Regulation 40 describes standards for labeling generally. This regulation contains the additional requirements of drug name and refill date for use of nursing home personnel. The expiration date requirement is consistent with Federal regulations for provision of pharmaceutical services to extended care facilities, which, in Minnesota are licensed as nursing homes.

Regulation 73

Over 90% of the insulin dispensed to nursing home patients and boarding care home residents is dispensed on an individual prescription basis. With the benefit of prescription labeling the nurse can check the strength of the insulin and the patient's name against the patient's chart. The attachment of the patient's name to the insulin bottle will help prevent re-occurrence of medication errors involving the administration of wrong doses of insulin.

Regulation 74

Minnesota Board of Health Regulation 10614 allows nursing homes to maintain a small stock of drugs for use in clinical emergencies if a physician assumes responsibility for security of the drugs. This regulation requires the pharmacist to file an order for any drugs dispensed to the emergency kit, since an individual prescription is not available for filing.

Regulation 81

The Board's reasons for proposed Regulation 81 appear on pages 252 and 253 of the attached hearing transcript.

Regulation 82

The Board's reasons for proposed Regulation 82 appear on pages 258 and 259 of the attached hearing transcript.

Regulation 83

The reasons for this proposal appear on pages 262 and 263 of the attached hearing transcript.

Regulation 84

This proposal is a restatement of federal and state law, plus accepted practice in the case of "c".

Regulation 85

This regulation does not require that an automatic stop order be established, but reminds the pharmacist that to exceed an established stop order policy would be tantamount to dispensing without benefit of an authorized prescription.

Regulation 86

This is a statutory requirement and indicates that the control of product specifications is a function of the pharmacist-in-charge, not a lay person in a technical procurement service role.

Regulation 87

Some small Minnesota hospitals have elected to obtain their pharmaceutical services from a licensed pharmacy elsewhere in the community. This type of relationship is one acceptable alternative method for qualification under Medicare. In such a relationship, the off-premises pharmacy would not be considered to be wholesaling drugs and would simply be required to maintain records of drugs dispensed to the hospital for use therein.

Regulation 88

Recognizing the essential differences between label requirements for prescriptions intended for self-administration and the institutional requirements for labeling information of assistance to nurses in their role of drug administration, the Board, upon the recommendations of the Hospital Pharmacy Advisory Committee and others present at the hearing has proposed this minimum standard.

The dosage form indications is intended to provide a distinction between parenteral routes of administration.

The expiration date prevents misuse of deteriorating products and is a medicare requirement. The average dose is furnished as a guide to prevent overdoses.

Regulation 89

The Board recognizes basic differences between community pharmacy practice and contemporary institutional pharmacy practice. One of those differences involves the establishment of more than one pharmacy within a large hospital complex. Another difference involves the utilization of pharmacists outside of the licensed hospital pharmacy in drug information and drug control roles not necessarily involving traditional compounding and dispensing. Another difference involves the pharmacist in limited compounding and dispensing

roles of particular dosage forms outside of the pharmacy, the preparation of parenteral admixtures is an example.

The Board recognized these various pharmaceutical services as extensions of the pharmacy practice based in the main licensed hospital pharmacy department and does not require a duplication of the security and equipment standards required for the main hospital pharmacy providing that the pharmacist-in-charge of the main hospital pharmacy assumes overall responsibility for the total hospital drug distribution system based in the main hospital pharmacy department.

MINNESOTA STATE BOARD OF PHARMACY

FOUR HUNDRED THIRTY - FIFTH MEETING

At approximately 8:15 o'clock A.M., March 27, 1969, President Kitty Alcott called the meeting to order in the conference room of the Board office. Members in attendance were: President Kitty Alcott, Vice President Ben J. Seifert, Mr. John H. Nelson, Mr. John E. Quistgard and Mr. Lowell J. Anderson. Also in attendance was the Board's counsel, Mr. Harry Strong Jr.

Mr. Lester L. Schriever, Pine Island, Minnesota, appeared before the Board in response to a letter sent to him by the secretary on March 18. Mr. Schriever was not accompanied by counsel.

A duly constituted hearing was conducted and a transcript made. At approximately 9:25 o'clock A.M., Mr. Schriever departed.

At 9:25 o'clock A.M., the secretary entered after having attended a hearing before the Senate Civil Administration Committee.

At approximately 9:30 o'clock A.M., Pharmacist Robert W. Anderson, Registration No. 8259, appeared before the Board in response to a letter sent to him by the secretary on March 18.

A duly constituted hearing was conducted and a transcript made. At approximately 10:13 o'clock A.M., Mr. Anderson departed.

At approximately 10:25 o'clock A.M., Mr. Charles Paramore entered and appeared before the Board in response to a letter sent to him by the secretary on March 18, 1969. Mr. Paramore was accompanied by counsel, Mr. Leo Dorfman. Counsel, Mr. Strong, reviewed various violations involving illegal sales of drugs to podiatrists, chiropractors and a nursing home as evidenced by invoices observed during an inspection visit. The meaning of the prohibited drugs law was explained to Mr. Paramore and a copy of the law furnished to him. It was noted that podiatrists are not, according to the law, allowed to prescribe or dispense stimulant or depressant drugs.

The meaning of Minnesota State Department of Health Regulation No. 10614 was explained to Mr. Paramore and a copy of that regulation furnished to him. It was noted that

parenteral drugs bear the Federal prescription legend and as such are not permitted in stock supply in nursing homes unless ordered on an individual prescription and dispensed in a similar manner from a licensed pharmacy.

The meaning of the chiropractic practice act with respect to the declaration that chiropractic is declared not to be the practice of medicine was explained to Mr. Paramore. Mr. Paramore was told by the Board that chiropractors can neither prescribe, dispense or recommend prescription or non-prescription drugs.

The meaning of the podiatry practice act involving the medical and surgical treatment being limited to a certain anatomical area was explained to Mr. Paramore. He was told that although certain legend drugs including those with a systematic effect, could be used by podiatrists, their use would have to involve a problem in the practice of podiatry only, not a medical problem.

Mr. Paramore explained internal operational procedures for proper scrutinizing orders so that drugs are not shipped to practitioners not qualified by law to use the drug.

The meaning of the term "wholesale" in the pharmacy practice act was explained to Mr. Paramore and it was pointed out that a wholesaler cannot sell directly to the public except for purposes of resale.

It was suggested that Mr. Paramore obtain some pharmaceutical texts and references such as the Formulary of the American Society of Hospital Pharmacists or the "Facts and Comparisons" reference so that his personnel none of whom who are pharmacists, could make more specific judgments with respect to the intended use of the drugs.

The secretary offered the full resources of the Board office to provide information about customers who may be qualified to purchase from the Dahl Wholesale Company. It was also suggested that he avail himself of lists of registered practitioners put out by the various regulatory boards.

At approximately 11:05 o'clock A.M., Mr. Bruce Gray appeared before the Board in response to a letter sent to him by the secretary on March 18, 1969. Mr. Gray was accompanied by counsel, Mr. George Harding. President Alcott requested the secretary to outline the violations involved. Mr. Gray responded explaining how oversights in scrutinizing the advertising by the firm's central office had produced the violations. Mr. Gray offered the Board his full cooperation in tighter scrutiny of the ad program and insured that it was not his intent to violate and that future

violations would be prevented.

At approximately 11:25 o'clock A.M., Mr. Gray and his counsel departed.

The secretary and counsel reviewed proposed legislation affecting Chapter 151 and Chapter 617.251. President Alcott suggested that perhaps the request for injunctive relief might delay the passage of the bill through committees. The secretary and counsel were directed to discuss this with MSPHA's executive secretary and counsel in connection with the bill's authors and determine whether or not the inclusion of the injunctive relief provision would have a detrimental effect upon passage of the bill. Counsel's recommendations are to guide the inclusion of this provision in the final draft for introduction.

After a discussion of the violation of Regulation No. 21 by Pharmacist Bruce Gray, Mr. Anderson moved and Mr. Nelson seconded that the secretary be instructed to write a letter of reprimand to Mr. Gray. Motion passed.

The secretary reported that many favorable comments upon the Board's report of therapeutic incompatibility testing were received from several deans in District V. After some discussion, it was decided that the details of the therapeutic incompatibility testing and details of any Board examination should not be shared with any of the colleges of pharmacy. The secretary was instructed to send the therapeutic incompatibility report together with a copy of the testing material to NABP for possible committee use.

The secretary reviewed briefly proposals by the Federal Trade Commission for regulation of advertising of over-the-counter drugs through the various media. The secretary was instructed to draft a letter in favor of the more restricted proposals and to send that draft together with the proposals to the Board members for comment.

The secretary discussed a request from Mr. Renard Monti to have his license to practice pharmacy in Minnesota reinstated by the Board. Mr. Monti had been requested by the secretary to establish where he has practiced since his license was dropped in this state. A reply furnished by Mr. Monti did not detail this adequately in the opinion of the Board and the secretary was instructed to write Mr. Monti requesting details of employment during that period. The various Boards are also to be contacted to verify his employment.

At approximately 12:10 o'clock P.M., the Board was dismissed for lunch.

At 1:00 o'clock P.M., Mr. Gary L. Ellery, a candidate for registration by reciprocity from the state of Iowa, appeared before the Board for oral examination in Jurisprudence.

At 1:20 o'clock P.M., Mr. Daniel R. Gulseth, a candidate for registration by reciprocity from the state of North Dakota, appeared before the Board for oral examination in Jurisprudence.

At 1:40 o'clock P.M., Mr. Leo L. Held, a candidate for registration by reciprocity from the state of Nebraska, appeared before the Board for oral examination in Jurisprudence.

At 2:00 o'clock P.M., Mr. Lowell A. Johnson, a candidate for registration by reciprocity from the state of Illinois, appeared before the Board for oral examination in Jurisprudence.

At 2:20 o'clock P.M., Mr. Vernon E. Peterson, a candidate for registration by reciprocity from the state of South Dakota, appeared before the Board for oral examination in Jurisprudence.

At 2:40 o'clock P.M., Mr. Jack M. Rongey, a candidate for registration by reciprocity from the state of Illinois, appeared before the Board for oral examination in Jurisprudence.

The written examinations in Pharmaceutical Jurisprudence were administered to the six candidates by reciprocity by Mr. Anderson and monitored by Mrs. Hummer. Mr. Anderson corrected the examinations and reported on the scores received. After a discussion of the scores received in the written and oral examinations, Mr. Seifert moved and Mr. Anderson seconded that having passed the Jurisprudence examinations and any other examination that may have been requested of them for reason, the following candidates for registration by reciprocity be granted registration on the basis of the state listed with their names. Motion passed.

The list of candidates and their respective states are as follows:

<u>Cert. No.</u>		<u>State</u>
1508	Ellery, Gary L.	Iowa
1509	Gulseth, Daniel H.	North Dakota
1510	Held, Leo L.	Nebraska
1511	Johnson, Lowell A.	Illinois
1512	Peterson, Vernon E.	South Dakota
1513	Rongey, Jack M.	Illinois

After a thorough discussion of the evidence produced in the hearing concerning Pharmacist Lester L. Schriever, Mr. Quistgard moved and Mr. Seifert seconded that the secretary be instructed to send a letter of severe reprimand to Mr. Schriever. During discussion on the motion it was suggested that since Mr. Schriever gave the Board permission to review his record of hospitalization, that the secretary write Mr. Schriever obtaining his written consent to release such confidential information and that further the secretary contact all hospitals in which Mr. Schriever had received treatment for dependents. The motion was not acted upon and was tabled until the secretary collects further information concerning the entire hospitalization record of Mr. Schriever.

After a thorough discussion in the matter of the hearing concerning Pharmacist Robert W. Anderson, the secretary was instructed to obtain information concerning all of the periods of hospitalization at Willmar State Hospital and elsewhere and further, that previous employers be interviewed for evidence in connection with Mr. Anderson's performance as a pharmacist while suffering from the condition of alcoholism. Mr. Quistgard then moved and Mr. Anderson seconded that the secretary, subsequent to review by counsel, be instructed to prepare a citation to be furnished to Mr. Robert W. Anderson requiring him to show cause why on a certain date his license to practice pharmacy should not be suspended or revoked. Motion passed.

After a brief discussion of the June examination, Mr. Nelson suggested that the secretary determine if a September, 1969 examination would grossly benefit the majority of candidates if large numbers of June graduates would be slightly deficient in internship time on the first day of the June, 1969 Board.

Mr. Nelson reported a violation of M.S. 151.18 by the Gibson Discount Center and will forward evidence to the Board office.

The secretary reviewed applications for licenses to operate pharmacies from the following applicants:

- (1) St. Mary's Hospital Pharmacy, Detroit Lakes,
Ronald J. Smet, pharmacist-in-charge
- (2) Onamia Pharmacy, Onamia, Roger L. Elmore, pharmacist-
in-charge
- (3) Hutchinson Community Hospital Pharmacy, Hutchinson,
Donald W. Hecht, pharmacist-in-charge
- (4) Buffalo Memorial Hospital Pharmacy, Buffalo,
Dale A. Olson, pharmacist-in-charge.

Mr. Nelson moved and Mr. Seifert seconded that the licenses listed be granted subject to physical inspection of the premises. Motion passed.

Mr. Seifert moved and Mr. Quistgard seconded that the minutes of this meeting reflect the poll taken by the secretary on February 10, 1969 in which the following licenses were authorized.

Kare Drug, Hibbing
Cloquet Community Hospital Pharmacy, Cloquet
Mankato Prescription Center East, Mankato
Glencoe Municipal Hospital Pharmacy, Glencoe
Worthington Municipal Hospital Pharmacy

Motion passed.

After a review of the minutes of the 434th meeting of January, 1969, Mr. Nelson moved and Mr. Anderson seconded that the minutes be approved as written. Motion passed.

The secretary reported that the recently revised and adopted Board of Pharmacy Regulations were not objected to by the State Attorney General therefore were filed by the secretary with the Secretary of State and the Department of Administration on March 14, upon which date they became effective. An order has been placed with the Documents Section, Department of Administration, for 4800 copies of the Regulations. Active enforcement of the Regulations will begin following distribution to each pharmacist and each pharmacy.

The secretary reported on a request by Pharmacist Jerry Sansby, Sansby Drug Store, 800 University Avenue, St. Paul, for closing his drug store to the public to allow him to service only nursing home patients from the premises of his pharmacy. After a review of his request by the Board and counsel the secretary was instructed to notify Mr. Sansby that public access is required and that his pharmacy cannot discriminate against any member of the public in favor of certain categories of patients.

The secretary reported on investigation in progress concerning the following: Wyman D. Rude, Desnick Bros. Pharmacy, Minneapolis, Leed's Cut Rate Drugs of Anoka and Coon Rapids, and Mr. James French of French's Pharmacy, Richfield.

On March 19 the secretary conducted a telephone poll of the Board members pointing out slight deficiencies in the internship of several candidates for examination by reciprocity. The secretary suggested the following motion during the poll for consideration at the March 27 meeting.

" - that the motion on page 2 of the 434th meeting be repealed and that candidates for registration by reciprocity who have substantially completed one year of internship but who show minor deficiencies only be allowed to take the reciprocity examinations in Jurisprudence provided that: (1) they shall have actively practiced for at least one year before taking the reciprocity examination in Jurisprudence in Minnesota and (2) that the deficiency be accepted only if sufficient time accumulated during the Christmas and Easter vacation periods of the junior and senior year only be substituted in order that the required year of internship is filed."

The Board members instructed the secretary during the March 19 poll to process the reciprocity candidates concerned. The hope was expressed that all states would adhere to the NABP one-year standard so that no exceptions would have to be made. It was agreed that the above motion would be recognized but not acted upon at this time, further that it be acted upon following the next annual meeting of the NABP in Montreal, Canada, where, hopefully, the policies and practices of defining the required one-year of internship can be re-established to the satisfaction of the Minnesota Board. Mr. Quistgard suggested that the secretary write the Executive Director of NABP with the suggestion that a decision on the matter of complying with NABP standards concerning the one-year requirement be obtained at the May meeting of NABP.

The secretary reported having received numerous responses from various pharmacists-in-charge of Snyder's Pharmacies indicating that the recent letter pointing out violations of Regulation No. 21 and of unprofessional conduct namely that of asserting professional superiority were appreciated and promptly acted upon by the pharmacists-in-charge. It was reported to the secretary that representatives of the pharmacists-in-charge of the Snyder's pharmacies have met with central management pointing out the violations reported in that letter. The responsibilities of the pharmacist-in-charge and their insistence with compliance with pharmacy laws and regulations was discussed. Management has agreed not to create situations of non-compliance in the area of unprofessional conduct, and has so given its assurances directly to various pharmacists-in-charge.

The secretary was instructed to write a letter to each of the pharmacists-in-charge indicating that the Board has noted the prompt cooperation and assurances of compliance and offering the services of the Board office in matters of interpretation of regulations and toward voluntary compliance with the regulations.

The secretary reviewed for the Board a letter from Pharmacist Marvin Knutson, Gibson Prescription Shop, New Ulm, which was written to clarify inferences of professional superiority in an advertisement by Knutson. The secretary was instructed to acknowledge the letter and to inform Knutson that the Board had reviewed it with the suggestion that good professional judgment would prevent non-compliance in this area and that the facilities of the Board office are at the disposal of registrants for matters of interpretation of this and other regulations.

The secretary presented a request for approval of the American Drug Index as a text and reference approved by the Board under Regulation 11, effective March 14, 1969. It was noted that the American Drug Index lists principally the name, ingredients and the manufacturer of each drug and contains no pharmacological information. No motion was made to approve the American Drug Index under Regulation 11.

The secretary reported on a survey of 1957-1967 graduates of the University of Minnesota College of Pharmacy. The survey indicates the following distribution for 397 graduates:

Community Pharmacy	57.9%
Hospital Pharmacy	20.7%
Other Pharmaceutical Fields	7.9%
Basic Education Not Used	12%

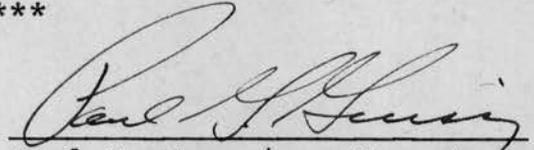
The entire survey will be furnished to members of the Board for review.

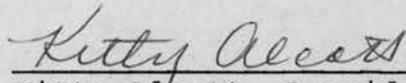
The secretary presented an inquiry from Earl J. Poirier, pharmacist-in-charge of Marquette Pharmacy, Minneapolis, for moving a pharmacy into an area which would contain less than 400 sq. feet. The secretary was instructed to inform Mr. Poirier of current Board Regulation No. 7, effective March 14, 1969.

The Board then entered into a general discussion of internship and the secretary reported that he had prepared a draft of four separate internship records to replace the traditional notebook in its present form. These drafts are similar to those now in effect by Nebraska and Iowa. The secretary was instructed to write Mr. Rex Higley, chairman of the Nebraska Board and of the NABP committee on internship to determine if any major changes recommended in the 1969 Internship Report would preclude progressing with a revised internship record system patterned after the Iowa and Nebraska systems. The drafts of the internship record-keeping reports will be furnished to Board members for their comment.

The Board discussed the preparation of a therapeutic incompatibility testing for the June, 1969 Board examinations. It was suggested that two separate family record systems, one for the morning examination and one for the afternoon examination be prepared.

At 3:55 o'clock P.M., Mr. Seifert moved and Mr. Nelson seconded that the meeting be adjourned. Motion passed.


Paul G. Grussing, Secretary


Kitty Alcott, President

MINNESOTA STATE BOARD OF PHARMACY

FOUR HUNDRED - THIRTY SIXTH MEETING

April 27, 1969, Duluth, Minnesota. At approximately 9:05 o'clock A.M., Sunday, April 27, President Alcott called the meeting to order. Members in attendance were: President Alcott, Mr. John H. Nelson, Mr. John E. Quistgard and Mr. Lowell J. Anderson. Also in attendance was the Board's secretary.

The secretary presented an application for a license to operate a pharmacy in the Madelia Community Hospital. Mr. Quistgard moved and Mr. Anderson seconded that the license be granted. Motion passed.

The secretary described further correspondence with Mr. Renard Monti who was dropped by the Board for non-payment of dues. Mr. Monti's correspondence has been corroborated with that of the Virginia State Board of Pharmacy and with the exception of one minor discrepancy concerning place of practice which may be due to a late report, his records indicate that he has been in continuous practice during the time his license has expired in this state. Mr. Anderson moved and Mr. Nelson seconded that, subject to payment of all renewal fees in arrears, the license previously issued to Mr. Renard Monti be reinstated subject to clarification of the administrative discrepancy between Mr. Monti's records and the records of the Virginia State Board of Pharmacy. Motion passed.

The Board considered an excuse from a candidate for licensure by reciprocity that he was unaware of the last two examinations for licensure by reciprocity because he did not notice announcements of the examinations in the Minnesota Pharmacist. The spring and fall reciprocity examinations have not been announced in the Minnesota Pharmacist because the dates have usually been set approximately one month previous to the examination. There was general consensus that such dates should be fixed at least three months ahead of the fall and spring examinations, so that the secretary could arrange for regular announcements in the Minnesota Pharmacist. The date of October 6 was selected for an afternoon meeting for the purposes of examining fall candidates for examination by reciprocity.

The secretary reported further on the practice of a Virginia and Duluth pharmacy of announcing the availability of refill services by mail on prescription container bags or other documents accompanying the original prescription. The Board discussed the application of the regulation prohibiting mail order advertising to this practice and will wait for evidence produced by attempted mail order "buys" before discussing the matter further.

The secretary reported that an undercover agent has been thoroughly familiarized with the French Pharmacy and that "buys" involving stimulant and depressant drugs will begin promptly.

The secretary reported briefly on the status of bills effecting: The illicit distribution of contraceptive drugs and devices, fee increases for pharmacies and pharmacists, and governmental reorganization generally.

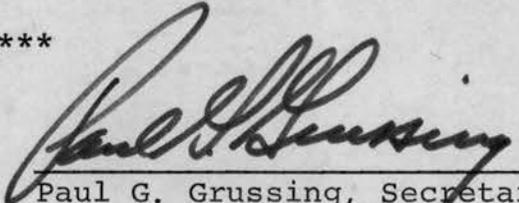
Because of the uncertain status of the over-the-counter distribution issue in the Legislature, it is not clear whether or not the Board can anticipate approximately \$5,000 revenue from the "permit stores" during the next legislative biennium. The Board discussed alternative financing proposals to support inspection activities should that revenue not continue to be available to the Board. Mr. Quistgard moved and Mr. Anderson seconded that the annual license renewal fee for pharmacies, previously set at \$30 by the Board, be increased beginning July 1, 1969 to \$35. Motion passed.

The Board discussed generally its June examination and directed the secretary to coordinate the preparation of a family record testing device which would be divided with a record for the morning test group and a separate record for the afternoon test group. The Board members discussed the practice of proofreading examinations before running them in the Board office and set a deadline of June 1 for the submission of examination drafts to the Board office. The Board office will return a copy to the examiner promptly as the examinations are received instead of returning them to the Board in a group.

The Board discussed the failure of Mr. James R. Oestreich to properly apply for and complete the examination for licensure by reciprocity. A inspection of the Johnson Drug in Bemidji, Minnesota, was ordered by the Board to determine if Mr. Oestreich is practicing pharmacy without a license on an un-supervised basis.

Minnesota State Board of Pharmacy - 43.6th Meeting - April, 1969

At 11:20 o'clock A.M., Mr. Nelson moved and Mr. Anderson seconded that the meeting be adjourned. Motion passed.


Paul G. Grussing, Secretary

Kitty Alcott, President

MINNESOTA STATE BOARD OF PHARMACY

FOUR HUNDRED-THIRTY SEVENTH MEETING

June 22, 1969. At approximately 9:05 o'clock P.M., Sunday, President Kitty Alcott called the meeting to order in the Leamington Hotel, Minneapolis. Members in attendance were: President Kitty Alcott, John H. Nelson, John E. Quistgard and Lowell J. Anderson. Also present was the Board's secretary, Paul G. Grussing.

The Board discussed information to be presented to the candidates during their orientation to the examination and discussed methods for therapeutic incompatibility testing. The entire agenda for the week was reviewed and the secretary was instructed to re-schedule some of the oral examinations for candidates by reciprocity.

The Board reviewed correspondence issued by the secretary during the past week and a discussion of the repeated violations of Regulation No. 34 ensued. There was a general consensus that persons with a pattern of willful and repeated violations of this regulation should be requested to appear before the Board to explain the reasons for the violation.

The Board began discussing items of general business. The NABP request to report grades to its office and to send examinations to its office was discussed. Mr. Quistgard, member of the Executive Committee of NABP, will contact NABP to determine if this practice remains a requirement for NABP member state boards.

Vice President Ben J. Seifert joined the meeting for the remaining discussion of general business. President Alcott dismissed the Board until 8:45 A.M., on Monday morning.

The Board met at the College of Pharmacy, University of Minnesota at 8:45 o'clock A.M., Monday, June 23. Members present were: President Kitty Alcott, Vice President Ben J. Seifert, John H. Nelson, John E. Quistgard and Lowell J. Anderson. Also present was the Board's secretary.

The following individuals having fulfilled the legal requirements for examination and having submitted properly executed applications were present to take the practical examination:

Axelson, C. Frederic	McElmury, Robert C.
Bale, James A.	McNea, Earl D.
Benschoter, John D.	Michelich, John J.
Bergner, James S.	Motske, Richard W.
Brock, Loyal L.	Murray, Alex R.
Broten, Robert V.	Murray, Robert A.
Carlson, Constance E.	Nelson, Gary L.
Chesney, Douglas B.	Novak, Allen C.
Christopherson, James R.	Novak, Elizabeth J.
Donnelly, James C.	Olafson, Fredric R.
Espander, Cynthia A. (Mrs.)	Olson, Lawrence E.
Godes, Thomas H.	Rasmussen, Maxine I.
Green, Jerry L.	Saucke, Donald E.
Henningsgard, James R.	Sen Gupta, Gautam
Hertel, Milton W. Jr.	Standich, John T.
Hodgson, Mary Ann	Tollefson, Merland D. Jr.
Hull, Marilyn A.	Trezona, William G.
Johnson, Ronald B.	Walz, Patricia A.
Johnson, Susan F.	Whipple, Richard E.
Klein, Patrick E.	Witchall, Craig R.
Lovstad, Robert C.	Zanardi, Dennis C.
Lundblad, Kenneth E.	*Swenson, Craig, H.
Mathieson, Calvin R.	

*Craig H. Swenson - practical retake.

The practical examination was completed in the afternoon; the total number of candidates taking the examination being 45.

During the evening session the Board met to correct practical examinations and the examination for testing for knowledge of therapeutic incompatibilities.

June 24, 1969. 9:00 o'clock A.M., the Board met at Wesbrook Hall, University of Minnesota, Room 201. Members present were: President Kitty Alcott, Vice President Ben J. Seifert, John H. Nelson, John E. Quistgard and Lowell J. Anderson. Also present was the Board's secretary.

Written examinations in the following subjects were administered by the Board: Pharmacology, Pharmacy, Pharmaceutical Chemistry, Pharmaceutical and Chemical Mathematics and Pharmaceutical Jurisprudence. Standardized examinations prepared by the National Association of Boards of Pharmacy Blue Ribbon Committee on examinations were administered in the fields of Mathematics and Chemistry.

47 candidates who had met all requirements and had presented properly executed applications were present to write the examinations in the subjects listed on page 2.

Louis J. Ahachich, Patricia A. Caswell, and Paul J. Wozny, Jr. were retaking the written examinations only.

At 1:30 o'clock P.M., the following candidates who had submitted properly executed applications joined the candidates taking the written examination. These candidates seeking registration by reciprocity wrote the examination in Jurisprudence. All Board members and the secretary were present.

Brockway, Robert G.	-----	Illinois
Burton, Thomas E.	-----	Iowa
Flieder, Willa K.	-----	Illinois
Glowac, Robert D.	-----	North Dakota
Jackson, Thomas E.	-----	Iowa
Koch, Jack R.	-----	Oklahoma
Maat, David R.	-----	Michigan
Oestreich, James R.	-----	North Dakota
Rave, Donald A.	-----	South Dakota
Ross, Dennis D.	-----	South Dakota
Harris, Raymond E.	-----	Utah
Laughrey, John B.	-----	Illinois
Sputit, Robert E.	-----	Nebraska
William, Peggy D. (Mrs.)	-----	Virginia

The Tuesday evening session was devoted exclusively to the completion of correcting practical examinations and correcting various written examinations.

June 25, 1969. Wednesday. The Board met in its offices at 1965 Ford Parkway, St. Paul.

At approximately 9:00 o'clock A.M., Robert E. Sputit, a candidate for registration by reciprocity from the state of Nebraska appeared before the Board for oral examination in Jurisprudence.

At approximately 9:20 o'clock A.M., Peggy D. Williams, a candidate for registration by reciprocity from the state of Virginia appeared before the Board for oral examination in Jurisprudence.

At approximately 9:40 A.M., Thomas E. Jackson, a candidate for registration by reciprocity from the state of Iowa appeared before the Board for oral examination in Jurisprudence.

At 10:00 o'clock A.M., the Board met with all of the candidates by examination and by reciprocity for the purpose of presenting the Board's role to the candidates. President Alcott outlined the normal educational and professional relationships which exist between registrants and the Board office. The secretary outlined administrative relationships and Mr. Nelson spelled out the procedures followed by the Board in matters of both informal and formal disciplinary actions. The secretary outlined deficiencies in certain pharmacy internship experience reports and instructed candidates as to their proper completion.

At 11:00 o'clock A.M., Robert D. Glowac, a candidate for registration by reciprocity from the state of North Dakota appeared before the Board for oral examination in Jurisprudence.

At approximately 11:15 o'clock A.M., Thomas E. Burton, a candidate for registration by reciprocity from the state of Iowa appeared before the Board for oral examination in Jurisprudence.

At approximately 11:30 o'clock A.M., John B. Laughrey, a candidate for registration by reciprocity from the state of Illinois appeared before the Board for oral examination in Jurisprudence.

At approximately 11:45 o'clock A.M., Robert G. Brockway, a candidate for registration by reciprocity from the state of Illinois appeared before the Board for oral examination in Jurisprudence.

President Alcott dismissed the Board for lunch at 12:00 noon.

At 1:40 P.M., Willa K. Flieder, a candidate for registration by reciprocity from the state of Illinois appeared before the Board for oral examination in Jurisprudence.

At 2:00 P.M., Jack R. Koch, a candidate for registration by reciprocity from the state of Oklahoma appeared before the Board for oral examination in Jurisprudence.

At approximately 2:20 P.M., David A. Maat, a candidate for registration by reciprocity from the state of Michigan appeared before the Board for oral examination in Jurisprudence.

At approximately 2:40 P.M., Donald A. Rave, a candidate for registration by reciprocity from the state of South Dakota appeared before the Board for oral examination in Jurisprudence.

At approximately 3:00 P.M., James R. Oestreich, a candidate for registration by reciprocity from the state of North Dakota appeared before the Board for oral examination in Jurisprudence.

At approximately 3:20 P.M., Dennis D. Ross, a candidate for registration by reciprocity from the state of South Dakota appeared before the Board for oral examination in Jurisprudence.

Because the oral examinations were completed ahead of schedule arrangements were made for candidate Raymond E. Harris to appear before the Board in its rooms at the Leamington Hotel.

At approximately 4:30 P.M., Raymond E. Harris, a candidate for registratuon by reciprocity from the state of Utah appeared before the Board for oral examination in Jurisprudence.

Mr. Nelson moved and Mr. Quistgard seconded that having passed the Jurisprudence examinations and any other examination that may have been requested of them for reason, the following candidates for registration by reciprocity be granted registration on the bais of the state listed with their names. Motion carried.

<u>Cert. No.</u>	<u>Name</u>	<u>State</u>
1549	Willa K. Flieder	Illinois
1550	Robert D. Glowac	North Dakota
1551	*Raymond E. Harris	Utah
1552	Thomas E. Jackson	Iowa
1553	J. Bruce Laughrey	Illinois
1554	David R. Maat	Michigan
1555	James R. Oestreich	North Dakota
1556	Donald A. Rave	South Dakota
1557	Dennis D. Ross	South Dakota
1558	Robert E. Sput	Nebraska

*Mr. Anderson moved and Mr. Nelson seconded that subject to verification of the year of internship in the application, Mr. Raymond E. Harris, having passed the jurisprudence examinators, be granted registration by reciprocity on the basis of his licensure in the state of Utah. Motion passed.

Mr. Nelson moved and Mr. Quistgard seconded that after a review of the application, records and examinations in the case of Mr. Jack R. Koch, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Nelson moved and Mr. Seifert seconded that after a review of the application, records and examinations in the case of Mr. Thomas E. Burton, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Nelson moved and Mr. Anderson seconded that after a review of the application, records and examinations in the case of Mrs. Peggy D. Williams, that the privilege of reciprocity be denied to her at this time. Motion passed.

Mr. Nelson moved and Mr. Anderson seconded that after a review of the application, records and examinations in the case of Mr. Robert G. Brockway, that the privilege of reciprocity be denied to him at this time. Motion passed.

The evening session was devoted to the completion of correcting written examinations.

After thoroughly reviewing the performance of the candidates in the examination for licensure and the qualifications of the candidates, Mr. Seifert moved and Mr. Nelson seconded that the 35 candidates who received a general average of 75% or better, not below 75% in the practical examination and not below 60% in any one subject be granted registration as pharmacists. Motion carried. The list of names follows:

<u>Cert. No.</u>	<u>Name</u>	<u>Cert. No.</u>	<u>Name</u>
1514	Benschoter, John D.	1532	McNea, Earl D.
1515	Bergner, James S.	1533	Motske, Richard W.
1516	Carlson, Constance E.	1534	Murray, Robert A.
1517	Caswell, Patricia A.	1535	Nelson, Gary L.
1518	Chesney, Douglas B.	1536	Novak, Allen C.
1519	Donnelly, James C.	1537	Olafson, Fredric R.
1520	Espander, Cynthia A.	1538	Olson, Lawrence E.
1521	Godes, Thomas H.	1539	Rasmussen, Maxine I.
1522	Green, Jerry L.	1540	Saucke, Donald E.
1523	Henningsgard, James R.	1541	Sen Gupta, Gautam
1524	Hertel, Milton W. Jr.	1542	Standich, John T.
1525	Hull, Marilyn A.	1543	Swenson, Craig H.
1526	Johnson, Ronald B.	1544	Walz, Patricia A.
1527	Johnson, Susan F.	1545	Whipple, Richard E.
1528	Lovsted, Robert C.	1546	Witchall, Craig R.
1529	Lundblad, Kenneth E.	1547	Wozny, Paul J. Jr.
1530	Mathieson, Calvin	1548	Zanardi, Dennis
1531	McElmury, Robert C.		

June 26, 1969. 9:05 o'clock A.M., Thursday, all members of the Board, its secretary and counsel were present when Mr. Donald Malloy and Mr. Thomas Cook appeared on Mr. Malloy's behalf and at his request. Mr. Malloy explained his attempts to matriculate into the University of Minnesota College of Pharmacy curriculum so that an internship card could be issued to him. None of his previous credits would transfer from Capitol College of Pharmacy either as professional pharmacy credits or as prepharmacy credits, thus the Dean of the College of Pharmacy was unable to certify

as to his eligibility for an internship card. Mr. Malloy explained plans for introduction of legislation on his behalf which were later withdrawn. Mr. Cook appeared in behalf of Mr. Malloy as an individual and not as a representative of the medical society in this case. After a discussion which lasted about 45 minutes Mr. Malloy and Mr. Cook departed.

At approximately 10:00 A.M., Mr. John A. MacDonald appeared before the Board in response to a telegram sent to him by the secretary earlier during this week. Mr. MacDonald has had a very sporadic employment record as evidenced by records in the board office and recently telephoned the board office using obscene language while conversing with one of the secretaries.

Mr. MacDonald spoke of a "conspiracy" involving the board and preventing him from obtaining employment. He explained that numerous attempts at reaching the secretary had failed and he feels that the board is not interested in helping him find employment. Members of the board explained that the board office is not a personnel agency and that referrals of this type are made routinely to the state association which has more freedom in matching up employers and employees. Members of the board questioned Mr. MacDonald's recent relief pharmacist employment record and found that he was asked to leave most of these places of employment.

Mr. MacDonald admitted to having been treated for mental illness at the Veterans Administration Hospital in St. Cloud. Dr. Bradley, psychiatrist at the Minneapolis VA Hospital, has been his physician as well as Dr. Garvey, a private practitioner. When questioned about signing a release enabling the board to review his medical records to determine his fitness to practice he replied indicating that he was uncertain and that he would check with others. Members of the board indicated to Mr. MacDonald that he might expect a letter requesting his permission to release certain medical information to the board to make a determination. Before leaving MacDonald indicated that the Association was "black-balling" him when he called for employment.

At approximately 10:45 o'clock A.M., Mr. MacDonald departed.

Mr. Quistgard moved and Mr. Seifert seconded that the secretary be instructed to write Mr. MacDonald requesting his consent to release his medical records to the board for purposes of determining his fitness to practice. Motion passed.

The board then began to discuss various matters requiring the presence of legal counsel beginning with a review of the present practice of approving new pharmacy license applications. Since the 30-day guideline in old Regulation No. 6 is no longer in effect and since the board did not wish to bind itself to a

monthly meeting requirement for the purpose of approving new license applications, the secretary was directed to review and approve all new license applications as he does now for successor license applications. He is to report to each board member within a week of the approval or disapproval of any new license applications received.

The secretary reported on a visit by members of the Aries Midwest Corporation, a computer programming consulting service. This service is interested in developing systems which would store and recall all information on original prescriptions together with refills. The firm had no formal proposal but was seeking only the board's opinion on the legality of electronic transmission and electronic storage of prescription information data in lieu of manual handling and recording in writing of the same data as is now required by law and regulation. After discussing this with counsel the board established that the concept of electronic transmission of prescription orders or electronic storage of prescription and refill record information is not illegal or unprofessional per se provided the records maintained are instantly available and provide the same data as is provided in traditional systems. The secretary was instructed to communicate this general approval of the concept only to the firm with the request that if the concept is developed further that written proposals be submitted to the board for review.

The board then reviewed the problem of accepting applications from certain candidates by reciprocity who do not in fact possess a full year of internship time as is required by NABP and the Minnesota Board of its own candidates by examination. After some discussion Mr. Anderson referred to the motion on page 7 of the 435th meeting and repeated that motion as follows: "That the motion on page 2 of the 434th meeting be repealed and that candidates for registration by reciprocity who have substantially completed one year of internship but who show minor deficiencies only be allowed to take the reciprocity examinations in Jurisprudence provided that: (1) they shall have actively practiced for at least one year before taking the reciprocity examination in Jurisprudence in Minnesota and (2) the deficiency be accepted only if sufficient time accumulated during the Christmas and Easter vacations periods of the junior and senior years only be substituted in order that the required year of internship can be filed". Mr. Seifert seconded the motion. Motion passed.

The board then reconsidered a topic tabled from the January meeting dealing with the fitness to practice ^{of} career military persons and others. The secretary was instructed to visit with other health professions in this state and to contact NABP to determine approaches taken by other states in this area.

The secretary reported on the case of Ralph J. Peterson, pharmacist-in-charge of Peterson's Pharmacy, Dassel, Minnesota, who was placed on three years probation and fined \$5,000 for income tax evasion during the years 1962, 1963 and 1964. It was the consensus of the board that while this constituted a felony it was not of such a nature that would effect Mr. Peterson's ability to practice pharmacy, consequently the board unanimously recommends that no action be taken subsequent to this conviction.

The secretary reviewed medical evidence presented to the board after release by Pharmacists Lester T. Schriever and Robert. W. Anderson. It was the opinion of the board that additional medical evidence should be sought before proceeding with a citation in the Anderson case and before considering a citation in the Schriever case. The matter is to be scheduled for the next regular board meeting if, in the opinion of counsel, sufficient evidence is available.

The board members reviewed the discussion with Mr. Donald Malloy and agreed to waive that portion of the internship requirement which would require the signature of a dean of a college of pharmacy to authenticate the completion of the pre-pharmacy curriculum. An internship card is to be presented to Mr. Malloy with the understanding that in order to retain the card satisfactory progress toward obtaining a B.S. in pharmacy and eventual licensure must be made. President Alcott, Mr. Anderson and the secretary will meet with Mr. Malloy to outline his obligations to proceed with his education in order to retain the intern status.

The secretary reviewed various legislative topics and pointed out some possible goals for 1971 legislation.

A bill to restrict the dispensing of contraceptive drugs and devices to persons licensed to practice medicine or dispense drugs was withdrawn after it was learned the Medical Association convinced officials of Planned Parenthood to withdraw their support for the Board's bill. Simultaneous with this discouraging withdrawal of the proposed legislation was the sentencing of the Northfield Minnesota pool hall operator for illegal sale of contraceptive devices. This case is significant because the judge upheld the constitutionality of the statute.

The secretary reviewed the present status of the Drug Abuse Education function which was included in the state department's appropriations legislation as a line item of the governor for assignment to whatever state agency he chooses. It was the feeling of the board that this activity should be welcomed as an additional role for the Board of Pharmacy provided there is adequate financing.

The 1969 amendments to Chapter 151, the pharmacy practice act, were generally reviewed and the necessity for reprinting the pharmacy laws sometime this fall was recognized.

The legislation which allows free sale of over-the-counter medications any where by anyone might unfortunately have a dampening effect upon regulation of manufacturers and wholesalers. Counsel Strong stated his opinion that because of other amendments to the practice act which strengthened and made very explicit the board's authority in adulteration and misbranding of drugs that manufacturers and wholesalers of over-the-counter drugs would remain under the board's jurisdiction. There appears to be need for housekeeping type legislation in the 1971 legislature.

The secretary described a proposal for the modification of Regulation No. 12 and the repeal of Regulation No. 13. The proposal contemplated the repeal of all of Regulation No. 12 except the concept requiring an area contiguous with the prescription department for the exclusive display and sale of non-prescription drugs.

Counsel advised the board that the 1969 legislature passed the grocer's version of the pill bill which states that "nothing in this chapter shall apply---to the sale of non-prescription drugs". This would, in the opinion of counsel, prevent the board from prescribing storage requirements for non-prescription drugs within pharmacies.

The board discussed the professional reasons for requiring the non-prescription drug area to be tangent to the prescription area. Mr. Quistgard moved and Mr. Nelson seconded that Regulations Nos. 12 and 13 be repealed because of counsel's opinion. Motion passed.

The board and counsel discussed the effect of legislation upon the requirement that certain stores receive permits to sell certain household drugs. While it is true that because of this legislation many drugs can be sold anywhere without permit, it is also true that the portion of the law dealing with permit stores was not removed from the statutes. Consequently the board has handled this on a permissive basis and has not required any former permittee to receive the permit against his wishes. Mr. Nelson moved and Mr. Seifert seconded that at the time the applications for the household drug licenses are mailed next year, that the secretary include a notice to the effect that purchase of the permit is left up to the discretion of the applicant since it no longer mandatory in the law. Motion passed.

The secretary described some proposed changes to board Regulation No. 51. These changes are necessary to bring the state law into conformity with the regulations of the Bureau of Narcotics and Dangerous Drugs. Mr. Nelson moved and Mr. Seifert seconded that the board proceed with the hearing at its next meeting revising Regulation No. 51 as follows subject to the recommendation of the Bureau of Narcotics and Dangerous Drugs that THC be regulated at this time by this agency. Motion passed.

Regulation No. 51

DEPRESSANT AND STIMULANT DRUGS

The following drugs and substances are hereby defined as having a potential for abuse and are injurious to health because of their depressant or stimulant effects upon the central nervous system or their hallucinogenic effects and are, therefore, subject to the provisions of Minnesota Statutes, Chapter 152:

DOM (4-Methyl-2, 5-dimethoxyamphetamine) ("STP")
Methylphenidate (Ritalin, Plimasin, Ritonic)
Phencyclidine (Sernyl)
Tetrahydrocannabinol (THC)

After reviewing an application for a license to operate a pharmacy known as Village Center Drug, Inc., submitted by Maynard L. Johnson and Leon H. Skoogman, Mr. Nelson moved and Mr. Seifert seconded that the license be granted subject to a physical inspection of the premises. Motion passed.

After reviewing the application for a license to operate the Metropolitan Pharmacy, submitted by Pharmacist Russell E. Y. Strom, Mr. Quistgard moved and Mr. Seifert seconded that the license be granted subject to a physical inspection of the premises. Motion passed.

After reviewing an application to operate a pharmacy known as Anderson's Prescriptions and Nursing Home Service, Maple Plain, Mr. Nelson moved and Mr. Anderson seconded that the license be granted subject to a physical inspection of the premises.

After a review of an application for a license to operate the Gibson Pharmacy in Fairmont, Minnesota, Mr. Nelson moved and Mr. Quistgard seconded that the application could not be considered because it is incomplete in that the pharmacist-in-charge designated in the application is not a licensed pharmacist in the state of Minnesota. Motion passed.

After reviewing an application for a license to move the Babbitt Drug, Mr. Nelson moved and Mr. Anderson seconded that the license be issued subject to a physical inspection of the premises. Motion passed.

After a review of an application to operate the Kare Pharmacy in Brainerd, Minnesota, Mr. Nelson moved and Mr. Anderson seconded that the application be considered to be incomplete because of the deficiency in security in the blueprint. Motion passed.

At approximately 12:15 o'clock P.M., Mrs. Alcott dismissed the board until Friday, June 27.

June 27, 1969. 9:00 o'clock A.M., Friday. The board met in its rooms at the Leamington Hotel, Minneapolis. In attendance were: President Kitty Alcott, Mr. John H. Nelson, Mr. John E. Quistgard, Mr. Lowell J. Anderson and the board's secretary.

The secretary distributed a sample copy of Book IV of the pharmacy internship experience reports to be used by Juniors or graduates in pharmacy. It is noted that this internship experience report has more explicit directions than the previous version but that the basic internship program remains the same in terms of quality of experience. The board generally discussed the necessity of more carefully selecting preceptors and noted some authority for this in the 1969 amendments to the pharmacy practice act. The board discussed generally the Wisconsin internship program and the secretary was instructed to visit with the executive secretary of the Wisconsin Pharmacy Internship Commission to determine whether or not their program for training and selection of preceptors has produced a notably improved internship experience for the students.

The secretary reported on several complaints in connection with Pharmacist Joseph Koebensky of Hoyt Lakes. The secretary is to visit with Mr. Koebensky in connection with these complaints.

The secretary reported on a complaint from a physician concerning illegal sale of a legend drug at Hoisser Pharmacy, St. Paul. An investigation will be initiated.

The secretary reported on a double medication error on the same prescription in one day at the Osco Pharmacy in St. Cloud. The secretary will visit with the pharmacist-in-charge in connection with possible reasons for this.

The secretary reported that Lillis Drug in St. Paul is still accepting prescriptions which contain a stamp message furnished by a dentist's office referring patients to Lillis Drug. The secretary will visit with the pharmacist-in-charge in connection

with revised Regulation No. 34 which now prevents passive participation in arrangements where prescriptions are specifically referred to specific pharmacies.

The secretary reported on a complaint from the Ottertail County Welfare Department that Pharmacist Ray Beske was filling several prescriptions from several different physicians for the same drug for the same patient. The secretary will investigate.

The secretary reported on successful buys at the French Pharmacy and continuation of buys on larger quantities for drug abuse drugs.

The secretary reported on investigations of Leed's Drug in Anoka, and this pharmacy will continue to be under surveillance.

The secretary reported on complaints and investigations of Desnick's Drug in Minneapolis and additional observations will be made to determine if lay people are compounding and dispensing prescriptions.

The secretary reported on a "citizen complaint" about Pharmacist Wyman Rude in connection with unprofessional conduct. Rude is currently not practicing and the secretary will visit with the psychiatrist in the hospital where he was hospitalized.

The secretary reported briefly on his out-state trips for the purpose of inspecting hospital pharmacies. These will be continued on a regular basis to insure that each hospital pharmacy is inspected at least once annually by the secretary.

It was announced that all reciprocity examinations are now being announced in the Minnesota Pharmacist.

President Alcott, co-chairman of the District V-NABP - AACP meeting in Minneapolis in October, explained tentative plans made by Dr. McRae and herself for program and special activities at the meeting.

The secretary reported that the University College of Pharmacy requested that the spring examination dates in 1970 be changed from June 15 to June 22, since graduation is scheduled for the 13th and grades will not be completed by the 15th. Mr. Nelson moved and Mr. Anderson seconded to concur in the June 22 meeting date. Motion passed.

Mr. Nelson suggested that the board members consider for that the January meeting the written examinations be given on the first day followed by the laboratory examination and oral interview on the second day. No decision was arrived at.

After some discussion of the NABP requirement that three months post-graduate internship be completed before candidates may take the examination after 1972, it was generally agreed that the board should arrange for a fall-spring sequence replacing the winter-summer sequence as soon as possible. It was recognized that in fairness to certain interns that more than two examinations would have to be given during the first transitional year. It was agreed that the board conduct a regular examination on September 7, 8 and 9, 1969. Candidates who failed the June examination are to be notified of the September examination and the secretary is to make arrangements with Dean Weaver.

After some discussion August 12 was selected as a date for a hearing to delete and modify certain board regulations and to hold possible citations.

The board noted with due respect the double honor accorded Professor John McRae, University of Minnesota College of Pharmacy, who was selected as one of six outstanding instructors from among the entire University faculty, and who was selected, as well, as the outstanding within the College of Pharmacy. The secretary was instructed to write Dr. McRae offering the board's sincere congratulations for this recognition and for his contributions as a teacher.

The secretary reported that he had purchased two filing cabinets according to state procurement contract for the purpose of filing internship experience reports. He also pointed out the need for a new swivel chair in the secretary's office. The approval was given to purchase such a chair according to state procurement contract.

After a review of the records indicating pharmacists who have not paid their license renewals for a period of two years (1967-68), Mr. Seifert moved and Mr. Anderson seconded that the following pharmacists and assistant pharmacists be dropped from the active records. Motion passed.

Barlow, Frank H.
Biscoe, Thomas C.
Bodsgard, Hans H.
Bowles, Marvin M.
Engel, Anthony V.
Foley, Leo M.
Janousek, John J.
Johnson, Norman R.
King, William S.
Leland, E. Frank
Mayer, Frank W.

McKnight, Frank E.
Mickelsen, Rudolph A.
Overgaard, Peter H. Jr.
Peterson, Elmer J.
Sassman, Frank
Schiesser, Chas. J.
White, Allen I.
Whitton, Harry A.
Willard, Leonard V.
Wixom, Dean R.
Zwirm, William J.

McDevitt, Jay B. (Asst.Ph.) Voelkli, Olga M. (Asst.Ph.)

After the board members had an opportunity to review the minutes of the last meeting during the past week, Mr. Nelson moved and Mr. Seifert seconded that the minutes of the 436th meeting be found in order. Motion passed.

Mr. Nelson moved and Mr. Quistgard seconded that the dues for District V-NABP be authorized for payment by the assistant secretary. Motion passed.

Mr. Quistgard moved and Mr. Nelson seconded that each of the board members be named as a delegate to the forthcoming Dist. V-NABP meeting in Minneapolis. Motion passed.

The secretary reported on the pay raise of 8% authorized by the 1969 Legislature for all classified civil service employees. This fact was noted by members of the board.

The board then began a discussion of therapeutic incompatibilities as they occur in practice, as they may be taught by preceptors and observed by interns. While the emphasis on this subject in the colleges is recognized and its presence in the literature was noted, it is also believed there is need for widespread dissemination of practical information concerning therapeutic incompatibilities. This observation is partly based upon the experience in examination on this subject. It is recognized that new findings make this a changing science. The board members agreed that the MSPhA and the college of pharmacy should be urged to highlight the distribution of therapeutic information as a special project. The use of a 3x5 card system or a loose leaf system with replacement fillers would be of great value to the practitioner.

Mr. Quistgard moved and Mr. Nelson seconded that:

Resolved, That the Regulations attached hereto, marked Exhibit A and made a part hereof, be and hereby are approved as to form for submission at a duly called public hearing, and

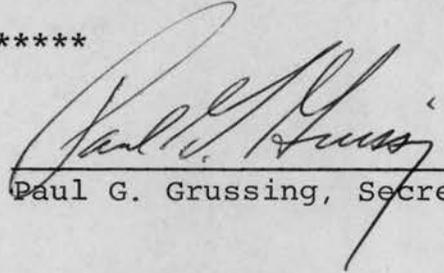
BE IT FURTHER RESOLVED, That Paul G. Grussing, Secretary of the State Board of Pharmacy, be and hereby is authorized to call a public hearing for the purpose of promulgating the Regulations set forth in said Exhibit A as well as perform any and all acts incidental thereto, including but not limited to signing an Order for Hearing and Notice of Hearing and

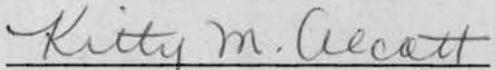
BE IT FURTHER RESOLVED, That Harry P. Strong, Jr., General Counsel of the State Board of Pharmacy, be and hereby is appointed to act as the presiding officer at the said hearing".

Motion passed.

After a discussion of the cost of living increases ordered by the Legislature for civil servants in the selective service the secretary requested that consideration be given to an adjustment for cost of living for the position of secretary also. He suggested a one-step of 4% as being adequate. Mr. Anderson moved and Mr. Nelson seconded that an 8% cost of living increase be granted to the secretary with understanding that this 8% cost of living increase would cover the biennium so that a separate cost of living increase would not be necessary in 1970. Motion passed.

After discussing some items of a general nature, Mr. Anderson moved and Mr. Nelson seconded that the meeting be adjourned. Motion passed. Adjournment at 12:30 o'clock P.M.


Paul G. Grussing, Secretary


Kitty M. Alcott, President

MINNESOTA STATE BOARD OF PHARMACY

STATE OF MINNESOTA

COUNTY OF RAMSEY

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

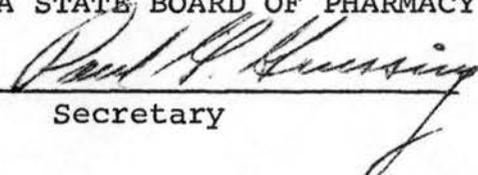
NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1967, Section 15.0412, Subdivision 4, in the above entitled matter in Room "B" Veterans Service Building, Capitol Complex, St. Paul, Minnesota, on August 12, 1969, commencing at 9:00 A.M., and continuing until all representatives of associations or other interested groups have had an opportunity to be heard concerning the adoption of the proposed regulations by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing.

A copy of the proposed regulations is attached hereto.

MINNESOTA STATE BOARD OF PHARMACY

By


Secretary

MINNESOTA STATE BOARD OF PHARMACY

The following regulations of the State Board of Pharmacy are to be repealed:

Regulation 9

QUALIFICATIONS OF APPLICANT

The State Board of Pharmacy may refuse to issue a pharmacy license when the sole proprietor, partnership or member of the partnership, association, corporation or officer, director or shareholder owning 30% or more of the voting stock of such corporation:

- a. Has submitted an application for such license containing fraudulent, deceptive or untrue statements or documents in connection therewith,
- b. Has been convicted in any Court of a felony,
- c. Has been convicted in any Court of an offense involving moral turpitude,
- d. Habitually indulges in the use of narcotics, stimulant or depressant drugs; or habitually indulges in intoxicating liquors in a manner which could cause incompetency in the practice of pharmacy,
- e. Has owned or operated a pharmacy in such a manner as would establish to the satisfaction of the State Board of Pharmacy a pattern of willful and purposeful violation of the applicable laws and regulations or acts inconsistent with accepted professional standards of conduct and practice,
- f. Has been convicted of theft of drugs or the unauthorized use, possession or sale thereof,
- g. Has had his pharmacist license, or a pharmacy license, revoked under Minnesota Statutes, Section 151.06, Subdivision (6), or 151.20. (31469)

Regulation 12

SALE OF DRUGS RESTRICTED TO LIMITED AREA UNDER SUPERVISION

Hereafter the Board of Pharmacy of the State of Minnesota shall refuse to register or grant a license to any pharmacy which advertises, sells, or proposes to sell therein, merchandise in any manner, like or similar to the manner in which merchandise is sold in super markets or other stores commonly known as self-service stores using one or more check-out counters, unless there is provided in such pharmacy a drug area which shall be used exclusively for the display, sale, compounding and dispensing of drugs, medicines, chemicals, poisons, and for the display and sale of other items used in the cure, mitigation, treatment, or prevention of disease in man or other animals; which drug area shall include within it the prescription department of such pharmacy. Any sale of drugs, medicines, chemicals or poisons must be made and completed in its entirety within the drug

area by or under the personal supervision of a pharmacist or of an assistant pharmacist in the temporary absence of the pharmacist. (33156)

Regulation 13

SELF-SERVICE OF DRUGS

- a. No registered pharmacy or other registered store shall display or offer for sale, drugs, medicines, chemicals or poisons in any manner designed to permit the purchaser to serve himself.
- b. No pharmacist or other person employed in a store registered under M.S. 1953 Section 151.26, or a pharmacy, shall sell to any person any drug, medicine, chemical or poison to which such person has served himself. (33156)

Regulation number 51 shall be amended as follows:

Regulation 51

DEPRESSANT AND STIMULANT DRUGS

The following drugs and substances are hereby defined as having a potential for abuse and are injurious to health because of their depressant or stimulant effects upon the central nervous system or their hallucinogenic effects and are, therefore, subject to the provisions of Minnesota Statutes, Chapter 152:

DOM (4-Methyl-2, 5-dimethoxyamphetamine) ("STP")

Methylphenidate (Ritalin), Plimasin, Ritonic)

Phencyclidine (Sernyl)

Tetrahydrocannabinol (THC)

MINNESOTA STATE BOARD OF PHARMACY

FOUR HUNDRED THIRTY EIGHTH MEETING

August 12, 1969. At 9:00 o'clock A.M., the board met in Room "B", Veterans Service Building, Capitol Complex, St. Paul, Minnesota, for the purpose of conducting a public hearing in connection with existing Regulations Nos. 9,12,13 and 51. Members in attendance were: President Kitty Alcott, Vice President Ben J. Seifert, Mr. John H. Nelson, Mr. Jack E. Quistgard and Mr. Lowell J. Anderson. Also in attendance were the board's secretary and its counsel, Mr. Harry P. Strong, Jr.

Mrs. Alcott called the meeting to order, introduced Mr. Strong who was designated as Hearing Officer for the hearing who presided during the remainder of the hearing. A duly constituted hearing was held in accordance with Chapter 15 of the Minnesota Statutes and the Manual on Hearing Procedures by the office of the Attorney General.

At approximately 10:20 o'clock A.M., Mr. Strong, Hearing Officer, declared the hearing to be closed.

The board returned to its offices at 1965 Ford Parkway and at 11:00 o'clock A.M., began a discussion of items from its agenda. All members were present in addition to its secretary and legal counsel.

The secretary reviewed the case of Pharmacist John A. MacDonald, describing a letter written to the board by Mr. MacDonald's physician, Mr. James Garvey. The board entered into a discussion of the advisability of commitment proceedings instituted by some person on behalf of MacDonald before issuing him a citation to show cause why his license to practice pharmacy should not be suspended or revoked. The secretary was instructed to speak with Dr. Garvey concerning any possible action taken by someone to commit Mr. MacDonald for hospitalization.

The secretary described a file on Pharmacist Alvin J. Nymoen. Mr. Nymoen had informed the board that he had been hospitalized and was now again fit to practice. The secretary wrote Mr. Nymoen to determine the nature of his illness together with his places of practice and residence in recent years. Nymoen's reply after several letters was rather uncooperative and indicated that he was really no longer interested in practicing pharmacy.

Following up a lead on Mr. Nymoen's behavior the secretary instituted police record checks on Mr. Nymoen and described these to the board. It was the consensus of the board that since Mr. Nymoen is not currently in practice that he receive a letter from the secretary explaining that he might surrender his license voluntarily. The secretary was instructed to proceed with formal action only after Nymoen might again return to practice and be observed in a state of habitual drunkenness or in violation of pharmacy or drug laws.

The secretary described an investigation of the Desnick Drug, Minneapolis, and was instructed to complete another investigation in the form of a "buy" by a pharmacist witness. The secretary and counsel are to interview the prospective witnesses in this case before preparing a citation in time for the board's next regular meeting.

The secretary reported on an investigation on Hoisser Pharmacy in St. Paul. The case involves two sales of Kenalog in Orabase, a prescription drug, without benefit of a prescription. Mr. Quistgard moved and Mr. Nelson seconded that the secretary arrange for another buy on another drug or another buy involving lack of refill authorization and to work toward a citation at the October meeting. If the succeeding buys are unsuccessful the secretary is to arrange for a call-in at the September meeting.

The secretary described an investigation at Noble Drug, North Minneapolis. The case involves two incidents of illegal sale of Meproamate by dispensing without authorized refill. The secretary was instructed to continue the investigation and if more evidence is available to arrange for a citation at the October meeting. If no additional evidence follows a call-in is to be scheduled for the September meeting.

The secretary reported on the recent developments in the investigation of French's Pharmacy, Richfield. The investigation is to be continued and reported to the board at the next meeting.

President Alcott dismissed the board for lunch.

At approximately 1:35 o'clock P.M., President Alcott called the meeting to order and opened a hearing in the matter of a citation issued to Pharmacist Robert W. Anderson requiring him to show cause why his license to practice pharmacy should not be suspended or revoked. Mr. Anderson was accompanied by counsel, Mr. John Harrigan. Mr. Harrigan indicated that he had been retained by Mr. Anderson for a period of approximately 24 hours, that he had not had sufficient time to prepare the case and that, on behalf of his client, he requested a continuation of the case.

Counsel for the board recommended to the board president that the request be granted. President Alcott ordered the hearing continued until 9:00 o'clock A.M., Tuesday, September 9, 1969. At approximately 1:50 o'clock P.M., Mr. Anderson and his attorney departed.

Counsel, Mr. Strong, summarized for the board his impressions of the case in Rice County involving the illegal sale of contraceptive devices in which the operator of Tiny's Pool Hall, Northfield, entered a plea of guilty and was sentenced. Counsel feels that, if tested, this particular part of the Statute is somewhat vague and might be found unconstitutional. However, county attorneys might be induced to bring charges in certain instances upon the strength of the Rice County case. The board discussed whether or not the Statute should be changed by legislation in 1971 and it was the consensus that no change should be sought because of the difficulty in seeking such changes in the 1969 legislature.

The secretary described his recent visit with Mr. Max Lemberger, executive secretary of the Wisconsin Pharmacy Internship Commission. A copy of his report was placed on the route and abstracted for purposes of this meeting. The board then entered into a general discussion of the current internship program and Mr. Anderson advanced a suggestion that the intern's Notice of Employment contain a space for the preceptor to list the number of interns and the number of pharmacists employed by the particular pharmacy. The board discussed the advantages of employing a pharmacy-inspector sometime in the future and his utility as a reviewer of preceptors and their activities. The board discussed the idea of forming a tripartite committee on internship and agreed that such a committee, once established, should be in an advisory capacity only and not a separate statutory entity as exists in Wisconsin. The secretary described procedures by board inspectors for insuring that interns duties in pharmacies are consistent with their educational level. The board instructed the secretary in matters of preceptor violations which should be called to the board's attention and which should terminate in a call-in before the board.

The board noting the recent correspondence to wholesalers informing them of two pharmacies who were in arrears in their current pharmacy license renewal payment, inquired as to the response to this procedure. The response was immediate and the board suggested that such a notification to wholesalers be sent before June 30 next year so that no licenses would be allowed to lapse at the end of the fiscal year. The suggestion was made in light of the new regulation which requires administrative submission of the license by May 30 each year. Mr. Nelson moved and Mr. Seifert seconded that the secretary be instructed to

send out warning letters and the final cut-off letter to wholesalers before June 30 at the time of the next pharmacy license renewal. Motion passed.

The secretary demonstrated a new folding table for use by counsel and the secretary during special legal proceedings and he was instructed to proceed with the purchase of a similar type tables matching as closely as possible, within a reasonable price range, existing conference room furniture.

The board then discussed the general topic of allowing persons who had failed a single examination (written) but who had obtained an overall passing average to repeat only a single particular written examination failed. The matter was tabled until after the September examination when more experience could be brought to the discussion.

The secretary reviewed the financial report for the last six months of the fiscal year 1968-69. It was suggested that in the future that all financial reports be accomplished in a double column showing the recent accounting period in comparison with the previous year's similar accounting period.

Mr. Nelson moved and Mr. Anderson seconded that the financial report for January 1 through June 30, 1969 be approved. Motion passed.

The board then generally discussed the minutes which it had received prior to this meeting and Mr. Nelson moved and Mr. Anderson seconded that the minutes be approved. Motion passed.

The board then discussed the last paragraph on page 7 of the minutes of the 437th meeting. Mr. Nelson moved and Mr. Quistgard seconded that the motion beginning on page 7 and ending on page 8 of the 437th meeting dealing with new pharmacy license applications be repealed and that the following policy be established by the board: That all future applications for licenses to operate pharmacies be held in the office of the secretary until the next regular or special board meeting for review and approval by the board at the meeting, unless a regularly scheduled meeting of the board is not planned in which case the secretary shall advise the board members of the details of the application and poll them by mail concerning their decision regarding granting licenses. Motion passed.

The secretary reported that he is investigating the services of Western Union in the failure to deliver promptly messages notifying new registrants of their successful passing of the June board examination.

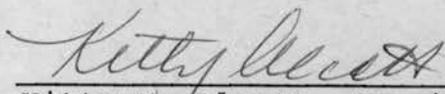
The secretary reported a letter from Pharmacist-Intern Myron A. Mandel in which he seeks permission from the board to file internship time for the summer of 1968. Mr. Mandel was registered prior to the summer of 1968 and received a copy of the regulation, the preceptor's guide and the "Instructions to Interns" at that time. He was also present in classes at the University during which the secretary explained the cut-off date of the internship regulation in 1967. Mr. Quistgard moved and Mr. Anderson seconded that because Mr. Mandel was an intern of record who received written instructions in addition to oral instructions in connection with filing internship time during 1968, and because he failed to report that time as required by regulation, that his request to credit the internship time toward his required one year internship be denied. Motion passed.

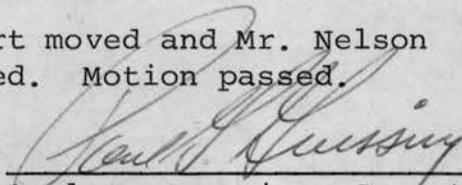
The secretary requested the board members to suggest names of faculty members for nomination for various committees in the next US Pharmacopoeial Convention. Several names were suggested and the secretary and president are to communicate with the USP in connection with these nominations.

After a discussion of security procedures in the case of possible legal action against mentally disturbed pharmacists, the board agreed that the secretary should in these instances arrange for the services of a bailiff to provide security during the legal proceedings.

Counsel, Mr. Strong, described to the board some of the corporate features of Group Health Mutual Inc., an agency suspected of violations of the prohibited drugs law as well as the pharmacy practice act. The secretary was instructed to accomplish an accountability of this firm and then to arrange for a meeting with officers of the firm pointing out any possible deficiencies discovered in the accountability and any other violations of the pharmacy practice act which might be evident. This topic was placed on the agenda for this meeting because of evidence furnished to the board that drugs used for illicit purposes have been obtained from the drug room from Group Health Mutual and also because Group Health Mutual is dispensing prescriptions without the benefit of a physician or pharmacist to personally dispense them.

At 3:40 o'clock P.M., Mr. Seifert moved and Mr. Nelson seconded that this meeting be adjourned. Motion passed.


Kitty M. Alcott, President


Paul G. Grussing, Secretary

MINNESOTA STATE BOARD OF PHARMACY

FOUR HUNDRED THIRTY-NINTH MEETING

September 7, 1969. At 8:45 o'clock A.M., President Alcott, Mr. Lowell J. Anderson and Secretary Paul G. Grussing met at the College of Pharmacy, University of Minnesota, for the purpose of administering the written examination.

The following named individuals having fulfilled the legal requirements for examination and having submitted properly executed applications were present to take the written examination:

Darling, Douglas J.	Schultz, Lyndon W.
Gentile, Peter J.	Schuttenhelm, Karl M.
Hodgson, Mary Ann	Siverson, Ralph E.
Jeffrey, William H.	Steiner, Bernard J.
Jinks, Martin	Swenberg, Gwen E.
Jones, Michael J.	Trezona, William G.
Kobe, Margaret J.	Diers, William F.
Krause, Alvin A.	*Ahachich, Louis J.
Lynne, Miriam I.	*Axelson, Charles F.
Majerus, Thomas C.	*Brock, Loyal L.
Melhus, Jacquelyn L.	*Brotten, Robert V.
North, Joanne G.	*Michelich, John J.
Pfeiffer, Peter G.	*Murray, Alec R.
Ries, Robert G.	*Novak, Elizabeth J.
Sarnoff, Darwin	

*Written - retake

Mr. Robert W. Wasem, Jr., appeared to take the board but was refused the privilege because his late application showed evidence of being incomplete and also disciplinary problems requiring investigation.

Written examinations in the following subjects were administered: Pharmacology, Pharmacy, Pharmaceutical Chemistry, Pharmaceutical and Chemical Mathematics and Pharmaceutical Jurisprudence. Standardized examinations prepared by the National Association of Boards of Pharmacy Blue Ribbon Committee on examinations were administered in the fields of Mathematics and Chemistry.

The examinations lasted the entire day.

September 9, 1969. At 9:00 o'clock A.M., the board met in its offices at 1965 Ford Parkway. Members in attendance were: President Kitty Alcott, Vice President Ben J. Seifert, Mr. John H. Nelson, Mr. Jack E. Quistgard and Mr. Lowell J. Anderson. Also in attendance were the board's secretary, Mr. Paul G. Grussing and counsel, Mr. Harry Strong, Jr. Mr. James Kelley, Special Assistant Attorney General, was also present for purposes of assisting in the prosecution of a citation to be heard later during the meeting.

Counsel, Mr. Strong, reviewed procedures for the citation issued to Pharmacist Robert W. Anderson. Mr. Anderson moved and Mr. Seifert seconded that in response to a suggestion from the office of the Attorney General, that Mr. Harry Strong be named as Hearing Officer in the matter of the citation issued to Mr. Robert W. Anderson. Motion passed. Mr. James Kelley will prosecute the case having reviewed the evidence with the board's secretary.

At approximately 9:50 o'clock A.M., President Alcott called the hearing to order in the matter of a citation issued to Mr. Robert W. Anderson requiring him to show cause why his license to practice pharmacy should not be suspended or revoked because of habitual indulgence in intoxicating liquors in a manner which could cause incompetence in the practice of pharmacy. Neither Mr. Robert W. Anderson nor his counsel made an appearance at 9:30 A.M., and neither were in attendance at the time the hearing was called to order. It should be noted that the secretary on two occasions after 9:30 A.M., this date, contacted counsel for Mr. Anderson in an attempt to assure that the date mentioned in the hearing which was continued was understood by both Mr. Robert W. Anderson and his counsel.

A duly constituted and conducted hearing was accomplished and a transcript of the proceedings made. Several witnesses from the medical and pharmaceutical professions appeared on behalf of the State Board of Pharmacy in this case.

At approximately 11:45 o'clock A.M., President Alcott declared the hearing to be closed.

The board then discussed miscellaneous items on its agenda and took a recess for lunch.

At 1:35 o'clock P.M., Pharmacist John J. Hoisser, Jr., appeared before the board in response to a letter sent to him by the secretary. Mr. Hoisser is pharmacist-in-charge of the Hoisser Pharmacy, 240 So. Snelling Avenue, St. Paul, which was involved in the illegal sale of a legend drug without benefit of a prescription. The nature of the violation was reviewed for Mr.

Hoisser. His responsibilities as pharmacist-in-charge were reviewed by members of the board. Mr. Hoisser indicated that he was not personally involved in the illegal sale observed by an agent of the board. After discussing the violations thoroughly, Mr. Hoisser departed at approximately 2:00 P.M. Arrangements were made for Mr. Richard C. Sundberg to appear later this day.

At approximately 2:05 o'clock P.M., Pharmacist Louis Kirschbaum, pharmacist-in-charge of Noble Drug, Crystal, appeared before the board in response to a letter sent to him by the secretary. Mr. Kirschbaum had sold Meprobamate to an agent of the board in the form of a prescription refill without properly contacting the physician for permission to refill. The requirements of the Federal Durham-Humphrey Amendments as well as the State Law was reviewed for Mr. Kirschbaum. Mr. Kirschbaum seemed to rely on his observation that the physician never "turned him down" on prescription refills. From this he inferred that all refills were automatically approved by this physician.

Pharmacist Kirschbaum admits to having no refill records although he claims it is the policy of his pharmacy to call on all refills. It was also interesting to note that Pharmacist Kirschbaum maintains no daily refill log.

It was noted by a member of the board that on the evidence samples the prescription labels were not permanently affixed to the vial. The secretary was later instructed to arrange for an immediate inspection of the pharmacy to determine if this is common practice there.

After Mr. Kirschbaum's file and the file of Noble Drug was reviewed by members of the board and certain warnings were issued, Mr. Kirschbaum departed at approximately 2:40 o'clock P.M.

After discussing the violations involved, Mr. Quistgard moved and Mr. Nelson seconded that a letter of severe reprimand be issued to Mr. Kirschbaum and that a follow-up investigation be conducted to determine if all of the items discussed during this meeting are being complied with. Motion passed.

At approximately 2:45 o'clock P.M., Pharmacist Richard Sundberg appeared upon request of the board as communicated through Mr. Hoisser who previously appeared.

The evidence concerning the illegal sales was presented to Mr. Sundberg who recalled having made the sales to the agent of the board. Mr. Sundberg said he understood the meaning of "legend"

drugs at the time of illegal sale but that he sold the drug because in his belief it was "mild" drug. Mr. Sundberg readily admitted his guilt in the matter and did not implicate any other professional personnel in the Hoisser Pharmacy in connection with the illegal sales. After a warning by the board, Mr. Sundberg departed at approximately 3:15 o'clock P.M.

After a thorough discussion of the matter of illegal sale of legend drugs in the Hoisser Pharmacy, Mr. Nelson moved and Mr. Seifert seconded that a letter of severe reprimand be issued to Mr. Sundberg and a letter of reprimand be issued to Mr. Hoisser reminding him of his responsibilities as pharmacist-in-charge. Motion passed.

The board then entered into a general discussion of the evidence presented at the hearing in connection with the citation issued to Pharmacist Robert W. Anderson. Counsel, Mr. Strong, reviewed all of the elements of the case with the board. Mr. Nelson moved and Mr. Anderson seconded that the license to practice pharmacy previously issued to Mr. Robert W. Anderson be revoked. Motion passed unanimously.

The secretary was instructed to communicate with Mr. Anderson requesting that he return his license, his annual renewal certificate and his annual pocket identification card.

The board then entered into a general discussion of the evidence collected at the Public Hearing on August 12, 1969, in the matter of modifying Regulations 9, 12, 13 and 51. Mr. Quistgard moved and Mr. Nelson seconded that existing Regulation No. 9 be repealed since its essential elements appear in the law. Motion passed.

After considerable discussion Mr. Nelson moved and Mr. Anderson seconded that the proposal to repeal existing Regulation No. 12 be laid on the table. Motion passed.

Mr. Nelson moved and Mr. Quistgard seconded that existing Regulation No. 13 be repealed because of amendments to the Pharmacy Practice Act passed in the 1969 legislature.

Mr. Quistgard moved and Mr. Seifert seconded that the additions to existing Regulation No. 51 which were proposed at the public hearing be adopted as follows:

Methylphenidate (Ritalin, Plimasin, Ritonic)
Phencyclidine (Sernyl)
Tetrahydrocannabinol (THC)

Motion passed.

The secretary reported that Pharmacist John A. MacDonald had been committed to Veterans Hospital, St. Cloud, by Mrs. MacDonald. The secretary was instructed to contact medical authorities at the hospital to determine the best possible approach toward the rehabilitation of Mr. MacDonald.

The secretary described applications for licenses to operate hospital pharmacies in community hospitals in Albany, Princeton, Springfield and Graveville, Minnesota. After a review of the applications Mr. Nelson moved and Mr. Anderson seconded that each of these four licenses be granted subject to physical inspection of the premises.

The secretary described an application for a license to operate a pharmacy in Rochester by Osco Drug Company. The application contains one minor irregularity in connection with the emergency access procedure which is not applicable to community pharmacies. After some discussion Mr. Anderson moved and Mr. Seifert seconded that this license be issued subject to physical inspection and to a clarification of the possibly erroneous entry in connection with an emergency access procedure.

After a general discussion of informal and formal hearing procedures Mr. Nelson moved and Mr. Anderson seconded that the secretary be authorized to obtain the services of a bailiff in any case in which he deems it necessary for proper conduct of a hearing for the safety of the board members and participants. Motion passed.

The secretary reviewed the board's policy of requiring individuals who failed a single subject in the written examinations to retake all of the written examinations. He asked if the board wished to apply this policy even when the applicant received an over-all average of 75 in the subjects which he did not fail. It was agreed that the practice of requiring repetition of all subjects upon failure of any one be maintained.

The board then reviewed the administration of the recent examination which involved scheduling the written examination on Sunday before the practical examination on Monday. Mr. Nelson moved and Mr. Anderson seconded that this same order and scheduling arrangement be established for future board examinations as well. Motion passed.

The board then entered into a discussion of the requirement of scheduling September and March examinations because of the three-months post-graduate intern requirements of NABP. It was agreed that in 1970 examinations be scheduled for January, June and September and that in 1971, that examinations be scheduled for March and September only. The secretary was instructed to communicate these plans to the various deans and boards in District V.

The secretary presented a request from Mr. Thomas Kriz, a registered intern who is seeking to obtain credit for internship time experienced before 1967 and which was not at any time reported to the board. The secretary was instructed to review Mr. Kriz's file responding to him on the basis of previous precedents of a similar nature previously reviewed and either approved or disapproved by the board.

Mr. Anderson moved and Mr. Nelson seconded that the following Resolution be adopted by the board.

WHEREAS, a public hearing was held on August 12, 1969, in Room B, Veterans Service Building, Capitol Complex, St. Paul, Minnesota, concerning the adoption of proposed Rules and Regulations, and

WHEREAS, said public hearing was held after proper notice required by Minnesota Statutes, 1967, Section 15.0412, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, and

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

WHEREAS, all interested persons were afforded an opportunity to present further written material, data, arguments and briefs through September 9, 1969, and

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

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

which was submitted subsequent thereto through September 9, 1969,
and

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

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

NOW THEREFORE,

"BE IT RESOLVED, That the Rules and Regulations marked Exhibit A attached hereto and made a part hereof be and hereby are approved and adopted pursuant to authority vested in us by Minnesota Statutes, 1967, Section 151.06.

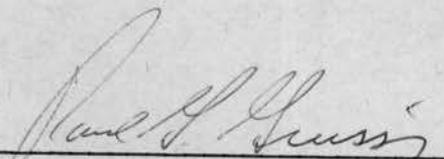
BE IT FURTHER RESOLVED, That upon the filing of the said Rules and Regulations with the office of the Secretary of State of the State of Minnesota, and with the office of the Commissioner of Administration of the State of Minnesota, that the regulations relating to Qualifications of Applicant, and Self-Service of Drugs, numbers 9 and 13, be and are hereby repealed pursuant to the authority vested in us by MS 151.06(10), and that the regulation relating to Depressant and Stimulant Drugs, number 51, is hereby approved and adopted, pursuant to authority vested in us by MS 152.041, and that Paul G. Grussing, secretary of the board be and hereby is authorized to sign an order adopting these rules and regulations.

BE IT FURTHER RESOLVED, That Paul G. Grussing be and hereby is authorized to execute a Certificate certifying the passage of this Resolution and he is further directed to submit to the office of the Attorney General of the State of Minnesota all of the necessary papers, documents and transcriptions, and further to serve notice upon those persons who objected to the legality of one or more of the proposed Regulations of the day upon which the said Rules and Regulations will be submitted to the Attorney General for his approval."

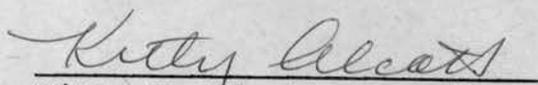
Motion passed.

Minnesota State Board of Pharmacy - 439th Meeting - September, 1969

At 4:00 o'clock P.M., Mr. Anderson moved and Mr. Seifert seconded that the meeting adjourn. Motion passed.



Paul G. Grussing, Secretary



Kitty M. Alcott, President

Exhibit

B

to be

attached

also

—

EXHIBIT A

FINAL PROPOSALS

MINNESOTA STATE BOARD OF PHARMACY

The following regulations of the State Board of Pharmacy are to be repealed:

Regulation 9

QUALIFICATIONS OF APPLICANT

The State Board of Pharmacy may refuse to issue a pharmacy license when the sole proprietor, partnership or member of the partnership, association, corporation or officer, director or shareholder owning 30% or more of the voting stock of such corporation:

- a. Has submitted an application for such license containing fraudulent, deceptive or untrue statements or documents in connection therewith,
- b. Has been convicted in any Court of a felony,
- c. Has been convicted in any Court of an offense involving moral turpitude,
- d. Habitually indulges in the use of narcotics, stimulant or depressant drugs; or habitually indulges in intoxicating liquors in a manner which could cause incompetency in the practice of pharmacy,
- e. Has owned or operated a pharmacy in such a manner as would establish to the satisfaction of the State Board of Pharmacy a pattern of willful and purposeful violation of the applicable laws and regulations or acts inconsistent with accepted professional standards of conduct and practice,
- f. Has been convicted of theft of drugs or the unauthorized use, possession or sale thereof,
- g. Has had his pharmacist license, or a pharmacy license, revoked under Minnesota Statutes, Section 151.06, Subdivision (6), or 151.20. (31469)

Regulation 12

SALE OF DRUGS RESTRICTED TO LIMITED AREA UNDER SUPERVISION

~~Hereafter the Board of Pharmacy of the State of Minnesota shall refuse to register or grant a license to any pharmacy which advertises, sells, or proposes to sell therein, merchandise in any manner, like or similar to the manner in which merchandise is sold in super markets or other stores commonly known as self-service stores using one or more check-out counters, unless there is provided in such pharmacy a drug area which shall be used exclusively for the display, sale, compounding and dispensing of drugs, medicines, chemicals, poisons, and for the display and sale of other items used in the cure, mitigation, treatment, or prevention of disease in man or other animals; which drug area shall include within it the prescription department of such pharmacy. Any sale of drugs, medicines, chemicals or poisons must be made and completed in its entirety within the drug~~

~~area by or under the personal supervision of a pharmacist or of an assistant pharmacist in the temporary absence of the pharmacist. (33156)~~

Regulation 13

Repeal of regulation 12
tabled by board

SELF-SERVICE OF DRUGS

- a. No registered pharmacy or other registered store shall display or offer for sale, drugs, medicines, chemicals or poisons in any manner designed to permit the purchaser to serve himself.
- b. No pharmacist or other person employed in a store registered under M.S. 1953 Section 151.26, or a pharmacy, shall sell to any person any drug, medicine, chemical or poison to which such person has served himself. (33156)

Regulation number 51 shall be amended as follows:

Regulation 51

DEPRESSANT AND STIMULANT DRUGS

The following drugs and substances are hereby defined as having a potential for abuse and are injurious to health because of their depressant or stimulant effects upon the central nervous system or their hallucinogenic effects and are, therefore, subject to the provisions of Minnesota Statutes, Chapter 152:

DOM (4-Methyl-2, 5-dimethoxyamphetamine) ("STP")
and its salts
Methylphenidate/(Ritalin, Plimasin, Ritonic)
Phencyclidine (Sernyl)
Tetrahydrocannabinol (THC)

MINNESOTA STATE BOARD OF PHARMACY

Four Hundred - Fortieth Meeting

October 4, 1969. At approximately 6:30 o'clock P.M., (Saturday), President Kitty Alcott called the meeting to order. Present were: Mrs. Kitty Alcott, Vice President Ben J. Seifert, John H. Nelson, John E. Quistgard and Lowell J. Anderson. Also present was the board's secretary, Paul G. Grussing. After a review of the agenda for the District V-NABP-AACP meeting, President Alcott dismissed the board to man the registration desk and to act as hosts to arriving college and board delegates from District V.

On Sunday and Monday, October 5 and 6, all of the board members and its secretary attended the District V meeting. A copy of the program is attached to the minutes of this meeting.

At approximately 4:30 P.M., Monday, October 6, President Alcott convened the board in its rooms at the Leamington Hotel, Minneapolis. The board discussed a letter from Mr. Ernest Kramer, Medicare Services Unit, State Department of Health, written to certain board members as individuals, inviting them to attend a meeting to explain why pharmacists are not permitted to provide consultation services instead of compounding and dispensing services. The propriety of communication with certain board members excluding one and the secretary was discussed. It was decided that Mrs. Alcott, president, Mr. Nelson (a part-time hospital pharmacist), Mr. Anderson and Mr. Grussing would attend the meeting. The secretary is to prepare a statement outlining the board's contributions to hospital pharmacy practice in recent years and pointing out the value of complete pharmacist involvement according to Medicare regulations.

At approximately 6:30 P.M., President Alcott dismissed the board until 9:00 the next morning.

At 9:00 o'clock A.M., Tuesday, October 7, the board met in its offices at 1965 Ford Parkway, St. Paul. All of the board members plus the secretary were present. Counsel was not available for this meeting which was arranged at a late date because of current disciplinary developments.

At 9:00 o'clock A.M., Pharmacist Howard Lake appeared before the board in response to a letter sent to him by the secretary on September 30. The purpose of the meeting was to make inquiry into the policies of Snyder's Pharmacy at 6520 Pillsbury Ave. So., Minneapolis, concerning prescriptions requiring compounding. After a brief discussion Mr. Lake departed at 9:30 A.M.

At 9:30 o'clock A.M., Pharmacist Irwin Livon met with the board at his own request. Mr. Livon, drug buyer for the Snyder chain, expressed his interest in providing full pharmaceutical services to patrons and gave his assurances of cooperation in preventing instances where prescriptions requiring compounding are unreasonably delayed. At 9:45 A.M., Mr. Livon departed.

At 9:50 o'clock A.M., Pharmacist Ben M. Tolchiner appeared before the board in response to a letter sent to him by the secretary on September 30. Mr. Tolchiner is pharmacist-in-charge of the Snyder Pharmacy in Southdale Square where the same prescription which was not compounded at the previous Snyder Pharmacy, was also denied. After some discussion concerning the pharmacist's responsibilities in compounding all prescriptions, Mr. Tolchiner departed.

At 10:12 o'clock A.M., Pharmacist Robert Cuff entered in response to a letter sent to him by the secretary on September 30. Mr. Cuff was asked to explain a violation of MS 151.15 and Regulation No. 36 in that a clerk was observed counting doses. After a thorough discussion of this violation as well as others recorded in the pharmacy file, Mr. Cuff departed.

The following candidates having met all of the requirements, as well as presented properly executed applications, were present to write a written examination at 9:30 A.M., and appeared at the following times for oral examinations in Jurisprudence:

	<u>Name</u>	<u>State</u>	<u>Time of Appearance</u>
1.	Douthitt, Donald A	Iowa	10:30 A.M.
2.	Nordin, Robert A.	Washington	10:45 A.M.
3.	Brockway, Robert G.	Illinois	11:00 A.M.
4.	Burton, Thomas E.	Iowa	11:15 A.M.
5.	Engebretson, Allen D.	Illinois	11:30 A.M.
6.	Gillund, Ronald G.	North Dakota	11:45 A.M.
7.	Joelson, Thomas A.	North Dakota	12:00 noon
8.	Koch, Jack R.	Oklahoma	12:15 P.M.
9.	Lucas, William	Pennsylvania	12:30 P.M.
10.	Masino, William H.	Pennsylvania	12:45 P.M.

	<u>Name</u>	<u>State</u>	<u>Time of Appearance</u>
11.	Schuhmacher, Alan J.	North Dakota	2:15 P.M.
12.	Wilhelm, Robert D.	North Dakota	2:30 P.M.
13.	Williams Peggy D. (Mrs.)	Virginia	2:45 P.M.
14.	Flam, Jarrell D.	North Dakota	3:00 P.M.
15.	Horton, Dan H.	Nebraska	3:15 P.M.
16.	Beckman, Earl L.	North Dakota	3:30 P.M.
17.	Kellogg, Robert J.	North Dakota	3:45 P.M.
18.	Gahley, John M.	North Dakota	4:00 P.M.
19.	Schares, Justin M.	Iowa	4:15 P.M.
20.	Schanilec, Vernon A.	North Dakota	4:30 P.M.

Mr. Anderson moved and Mr. Seifert seconded that having passed the Jurisprudence examinations and any other examination that may have been requested of them for reason, the following candidates for registration by reciprocity be granted registration on the basis of the state listed with their names. Motion carried.

The list of names and state of registration are as follows:

<u>Cert.No.</u>	<u>Name</u>	<u>State</u>
1589	Robert G. Brockway	Illinois
1590	Thomas E. Burton	Iowa
1591	Donald A. Douthitt	Iowa
1592	Dan H. Horton	Nebraska
1593	Thomas A. Joelson	No.Dakota
1594	Robert J. Kellogg	No.Dakota
1595	Jack R. Koch	Oklahoma
1596	William H. Masino	Pennsylvania
1597	Robert A. Nordin	Washington
1598	Vernon A. Schanilec	No.Dakota
1599	Justin M. Schares	Iowa
1600	Dean R. Wilhelm	No.Dakota
1601	Peggy D. Williams (Mrs.)	Virginia

Mr. Anderson moved and Mr. Nelson seconded that after a review of the application, records and examinations in the case of Mr. Allen D. Engebretson, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Nelson moved and Mr. Seifert seconded that after a review of the application, records and examinations in the case of Mr. Ronald G. Gillund, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Anderson moved and Mr. Nelson seconded that after a review of the application, records and examinations in the case of Mr. William Lucas, that the privilege of reciprocity be denied to him at this time. Motion carried.

Mr. Nelson moved and Mr. Quistgard seconded that after a review of the application, records and examinations in the case of Mr. Alan J. Schuhmacher, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Nelson moved and Mr. Quistgard seconded that after a review of the application, records and examination in the case of Mr. Jarrell D. Flam, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Anderson moved and Mr. Seifert seconded that after a review of the application, records and examination in the case of Mr. Earl L. Beckman, that the privilege of reciprocity be denied to him at this time. Motion passed.

Mr. Nelson moved and Mr. Seifert seconded that after a review of the application, records and examinations in the case of Mr. John M. Gahley, that the privilege of reciprocity be denied to him at this time. Motion carried.

After a discussion of the violation of Regulation 37 (c) by pharmacies managed by Howard Lake and Ben M. Tolchiner, Mr. Nelson moved and Mr. Quistgard seconded that a letter of reprimand be written to these pharmacists also reminding them of their responsibilities as pharmacist-in-charge. Motion passed.

After a discussion of the violation of Regulation 36 and MS 151.15 by Pharmacist Robert Cuff, Mr. Nelson moved and Mr. Quistgard seconded that a letter of severe reprimand be issued to Mr. Cuff. Motion passed.

After a review of the application to operate a pharmacy at St. Therese Nursing Home in New Hope, Mr. Quistgard moved and Mr. Nelson seconded that the license be approved subject to physical inspection of the premises. Motion carried.

After a review of the application to operate a pharmacy at the Wheaton Community Hospital, Mr. Nelson moved and Mr. Quistgard seconded that the license be issued subject to physical inspection. Motion passed.

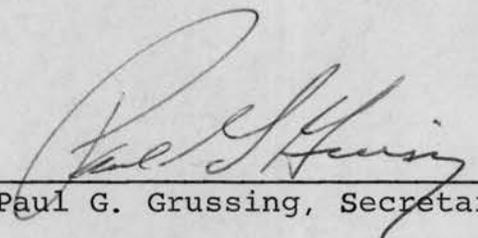
The board then discussed a letter dated October 4, 1969 from Laurence Sendelbach in which he requests permission to be

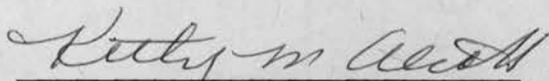
excused from today's meeting and indicates steps taken to correct deficiencies noted by the secretary on his recent survey of the Pipestone Hospital Pharmacy. Two uncorrected deficiencies, the location of the refrigerator plus violations of the limited dose withdrawal provision of Regulation 83 are to be called to Sendelbach's attention by the secretary in a letter of reprimand.

The secretary described problems with the Medelco System of transmitting medication orders to hospital pharmacies. The input to this electronic communication system may be a lay person unable to interpret the physician's order. The output is a neat print-out, which, in good practice, should be verified by a review of the original chart order. The secretary was instructed to communicate with Mr. Richard Kienzle, Chief Pharmacist, St. Mary's Hospital, Duluth, Minnesota, informing him that increased personnel may be required to edit all chart orders.

The secretary reviewed a long standing policy of this board requiring that once a candidate for licensure by examination may fail an examination, he may not seek licensure by reciprocity. The board agreed unanimously that the policy should be sustained.

At approximately 5:35 o'clock P.M., Mr. Seifert moved and Mr. Anderson seconded that the meeting be adjourned. Motion passed.


Paul G. Grussing, Secretary


Kitty M. Alcott, President

Thirty-Second
Annual Meeting

DISTRICT FIVE

National Association
of
Boards of Pharmacy
and the
American Association
of
Colleges of Pharmacy

John D. McRae
Chairman for the Colleges

Kitty M. Alcott
Chairman for the Boards

Wendle L. Kerr
Secretary-Treasurer

October 5 and 6, 1969
Leamington Hotel
Minneapolis, Minnesota

Open to members of 440 W



PROGRAM

Saturday, October 4

7:00 – 10:00 P.M. Advance Registration

Sunday, October 5

8:00 Registration

9:00 A.M. – FIRST JOINT SESSION OF THE BOARDS AND COLLEGES –
Lincoln Room – Presiding: John D. McRae, Chairman for the Colleges

Invocation

Paul G. Grussing, Secretary, Minnesota Board of Pharmacy

Roll Call of the Delegates

Introduction of Visiting Dignitaries

Welcome from the State of Minnesota

Wallace Hoaglund, Administrative Assistant to Gov. Harold LeVander

Welcome from the Minnesota Board of Pharmacy

Kitty M. Alcott, President

Welcome from College of Pharmacy, University of Minnesota

Lawrence C. Weaver, Dean

Report of the Secretary-Treasurer

Wendle L. Kerr, University of Iowa

Appointment of Committees

Resolutions

Time and Place of 1970 Meeting

Nominations

Recorder for the NABP Sessions

Recorder for the AACP Sessions

Messages from the NABP

Cecil Clifton, President

Fred Mahaffey, Executive Director

Message from the AACP

Raymond Hopponen, South Dakota State University

10:00 A.M. "Ferment on the Campus – What Are the Students Saying?"

An address by James H. Reeves, Ass't. Vice-President for Student
Affairs, University of Minnesota

(Coffee Break – 10 minutes)

10:30 A.M. "Are You Selling, Telling, or Yelling?"

An Address by Ronald M. Brown, Professor of Rhetoric, University
of Minnesota

11:00 A.M. "Clinical Pharmacy – Some Experiences and Appraisals" – a
panel presentation

Panelists: Gwen Swenberg Robert Williamson

Gary Raines Ronald Hartmann

Moderator: Phillip J. Levine, Ph. D., Drake University

12:00 Noon – recess for lunch and afternoon special events

* * * * *

Special Events: 1:30 P.M. Minnesota Viking-Green Bay Packer
Football Game

2:00-4:00 P.M. – Tour of University of Minnesota
Health Sciences Facilities

* * * * *

5:30-7:00 P.M. – Cocktail Hour – Suite Nos. 555-557

Supported by contributions from McKesson & Robbins Drug Co.,
Minneapolis and Northwestern Drug Co., Minneapolis

7:15 – Buffet Dinner – Taft-Wilson Room

Entertainment by "The Viennese Strings", courtesy of Rowell
Laboratories, Inc., Baudette, Mn.

Monday, October 6

8:45 A.M. – SECOND JOINT SESSION OF THE BOARDS AND COL-
LEGES – Chicago Room – Presiding: Kitty M. Alcott, Chairman
for the Boards

"Continuing Education – Can We Be Serious?"

William J. Hodapp, University of Minnesota

"The Internship – Some Experiences and Appraisals" – a panel
presentation Panelists: Louis Kappes Constance Carlson

Frank Brower Darryl Grendahl

Moderator: Frank Kersenbrock,
Nebraska State Board of Pharmacy

(Coffee Break – 15 minutes)

10:45 A.M. – SEPARATE SESSION OF THE COLLEGES – Chicago Room
Presiding: John D. McRae, Chairman for the Colleges

"A Programmed Learning Course in Medical Terminology"
Wallace White, University of Minnesota

"The Pharmacy Curriculum – Where To Now?" – A Town Hall
discussion led by Dean Louis C. Zopf, University of Iowa

10:45 A.M. – SEPARATE SESSION OF THE BOARDS – Philadelphia Room
Presiding: Kitty M. Alcott, Chairman for the Boards

“New Concepts in Legislation and Regulations”
Paul Grussing, Secretary, Minnesota State Board of Pharmacy

“Omnibus Drug Bill”
Fred Mahaffey, National Association of Boards of Pharmacy

12:15 P.M. – Luncheon – Jackson-Lincoln Room
Address by Minnesota State Senator Wendell Anderson

1:30 P.M. – SEPARATE SESSION OF THE COLLEGES – Chicago Room
Presiding: John D. McRae, Chairman for the Colleges

“A Modern Learning Center for the Health Sciences” –
Ramon Fusaro, M.D., College of Medicine, University of Minnesota

1:30 P.M. – SEPARATE SESSION OF THE BOARDS – Philadelphia Room
Presiding:

“Report of Litigation Against Mail-Order Pharmacies”
Paul Crews, Secretary, Iowa State Board of Pharmacy

“Current Board of Pharmacy Problems” – a forum discussion led by
Earl Chase, North Dakota Board of Pharmacy and
Charles Hughes, Iowa Board of Pharmacy

2:30 P.M. – THIRD JOINT SESSION OF THE BOARDS AND COLLEGES –
Chicago Room – Presiding: John D. McRae, Chairman for the Colleges

Address by Dr. William Heller, Executive-Director Designate of the
United States Pharmacopeial Convention

“The Use of Family Records as a Test for Therapeutic Incompatibilities” – Kitty M. Alcott, Minnesota Board of Pharmacy

“The Blue Ribbon Committee – Its History, Goals and Some Early Results”

Dr. Boyd Granberg, Drake University – “History and Goals”

Allan Pfeifle, S. D. State Board – “Results in Pharmacology”

John Nelson, Minnesota Board – “Results in Chemistry”

Charles Hughes, Iowa Board – “Results in Pharmacy”

John Quistgard, Minnesota Board – “Results in
Mathematics”

Committee Reports

Adjournment

MINNESOTA STATE BOARD OF PHARMACY

FOUR HUNDRED - FORTY-FIRST MEETING

November 18, 1969. At 8:30 o'clock A.M., President Kitty Alcott called the meeting to order. All members of the board were in attendance. Also present were the board's secretary and its legal counsel, Mr. Harry P. Strong, Jr.

Mr. David L. Breen was not present for the 8:30 A.M., meeting so the board reviewed some of the evidence in connection with the investigation of Stephen A. Kachina, chief pharmacist, Unity Hospital Pharmacy.

After a brief discussion of the evidence in the Kachina matter, the secretary was instructed to prepare briefs of the evidence in connection with all cases and to mail these briefs to the board members in advance of the board meeting.

The secretary reported that Agent Parsch of the BNDD, who had been working on an investigation of the French Pharmacy in Richfield, was removed from that assignment because of higher priorities by the BNDD. Mr. Parsch's involvement in the investigation was terminated and the secretary was instructed to arrange another "buy" as soon as possible.

At 9:10 o'clock A.M., the secretary introduced Mr. Richard Bacon, an agent from the Minnesota Bureau of Criminal Apprehension. The services of Mr. Bacon as bailiff had been arranged by the secretary in connection with the investigation or hearing of the Kachina matter.

At 9:15 o'clock A.M., Pharmacist Stephen A. Kachina, appeared before the board in response to a letter sent to him by the secretary. Mr. Kachina was not represented by counsel and he responded to questions put to him by the board members, counsel and secretary during the meeting. A transcript of the meeting was made. At the end of the meeting Mr. Kachina was granted eight days to provide written evidence in the form of photostats of invoices, etc., to account for missing records and missing drugs. Mr. Kachina departed at 11:15 A.M.

At 11:25 o'clock A.M., Pharmacist David L. Breen, Benson, Minnesota, appeared before the board in response to a letter sent to him by the secretary on November 10, 1969. The meaning of Regulation No. 37k was explained to Mr. Breen who responded by indicating that his violations were "defensive" in nature because of prevalent violations of Regulation No. 34 in his community. Mr. Breen was invited to report any such recent violations for board action. Mr. Breen was cooperative and understands the meaning of the regulation and promised his full cooperation toward voluntary compliance in the future. At approximately 11:45 o'clock A.M., Mr. Breen departed.

President Alcott dismissed the board for lunch.

At approximately 12:40 o'clock P.M., Pharmacist V. Edward Anderson appeared before the board in response to a letter sent to him by the secretary on November 10, 1969. Mr. Anderson responded to questions by the board in connection with allegations of violation of the Freedom of Choice law as administered by the Department of Public Welfare. Pharmacist William D. Nelson, pharmacy consultant to the Division of Public Assistance, Department of Public Welfare, was present to explain the interpretation of that department in connection with the Freedom of Choice law. A transcription of the investigatory meeting with Mr. Ed Anderson was made, there appeared to be no evidence that Mr. Anderson was actively or passively participating in an arrangement involving deliberate violation of the Freedom of Choice principle by his pharmacy. The reported cases of violation of Freedom of Choice appear to have been instigated by personnel within the nursing home. At approximately 1:45 o'clock P.M., Mr. Anderson departed.

At 2:03 o'clock P.M., Pharmacist Theodore Desnick appeared before the board in response to a letter sent to him by the secretary on November 10, 1969. Mr. Desnick was accompanied by Mr. Baron Desnick, a partner in his firm. A transcript was made of the meeting, the purpose of which was to make inquiry into reported violations of M.S. 151.15. After the meeting which was transcribed, Pharmacist Baron Desnick was invited to make some comments on behalf of his brother. Mr. Baron Desnick's comments related to the manpower and sociological problems in the community in which the Desnick Pharmacy in Minneapolis is located. Mr. Baron Desnick made a plea to the board in connection with finding pharmaceutical manpower to operate the Minneapolis Desnick pharmacy. At approximately 3:10 o'clock P.M., Mr. Theodore Desnick and Mr. Baron Desnick departed.

The board then considered some items from the miscellaneous business portion of its agenda.

An application to purchase the Noble Drug was reviewed by the secretary. The application was incomplete in that the question asking whether or not the applicant had been convicted of any drug laws was left unanswered. This fact was called to the attention of the applicant by the secretary and the secretary indicated in his letter to the applicant that the board would consider at this meeting whether or not the license would be issued. After some discussion in the matter Mr. Nelson moved and Mr. Anderson seconded that the application for a license to purchase Noble Drug submitted by Pharmacists Merle Mattson and Stanley Maisel, be denied because Pharmacist Stanley Maisel was convicted in Federal District Court of illegal sale of prescription drugs. Motion passed.

After discussion of the evidence in the Desnick Pharmacy matter, Mr. Nelson moved and Mr. Quistgard seconded that, subject to the availability of witnesses, the secretary proceed in the issuance of a citation to Pharmacist Theodore Desnick requiring him, at the meeting of the January board, to show cause why his license to practice pharmacy should not be suspended or revoked because of violations of M.S. 151.15. Motion passed.

At approximately 3:55 o'clock P.M., Pharmacist Joseph J. Markovich, Pharmacist-in-Charge of Gem Pharmacy, Bloomington, appeared before the board in response to a letter sent to him by the secretary on November 10, 1969. The meaning of Regulation No. 37k was made clear to Mr. Markovich who acknowledged the error and explained that Mr. Martin Morrissey, manager of the Minneapolis Gem store and Mr. William J. Pazderka of Kansas City would be available to explain the error to the board. Mr. Markovich's responsibilities as pharmacist-in-charge were discussed and at approximately 4:10 o'clock P.M., Mr. Markovich's hearing was terminated. At that time Mr. Morrissey and Mr. Pazderka entered to explain how the error occurred which caused the violation. Assurances were given that the final ad copy in future ads would be sent to Mr. Markovich for review since it is his ultimate responsibility as pharmacist-in-charge. The secretary offered to Mr. Markovich the services of the board office in interpreting whether or not such planned ads were indeed in compliance with Regulation No. 37k. At approximately 4:19 o'clock P.M., Mr. Markovich, Mr. Morrissey and Mr. Pazderka departed.

At approximately 4:20 o'clock P.M., Pharmacist Dennis D. Ross, Pharmacist-in-Charge of Gibson Pharmacy, Fairmont, appeared before the board in response to a letter sent to him by the secretary on November 10, 1969. The purpose of the meeting was to make inquiry into a reported violation of board Regulation No. 37k. The meaning of "pharmacist-in-charge" was made clear to Mr. Ross and the regulation was explained clearly to him. At approximately 4:35 o'clock P.M., Mr. Ross departed.

After a review of the application for registration as a pharmacist by examination submitted by Robert W. Wasem, Jr., of Colorado, Mr. Quistgard moved and Mr. Nelson seconded that the application be denied because Mr. Wasem's disciplinary and police record indicates that he is not of good moral character. Motion passed.

The secretary reviewed a request by Mr. Lawrence G. Johnston for reinstatement of his license to practice pharmacy. Mr. Johnston has disappeared from Minnesota and has not reported his place of practice or residence to the board. Mr. Nelson moved and Mr. Anderson seconded that Mr. Johnston's request be tabled until the secretary hears from Mr. Johnston in connection with his places of residence after which time Mr. Johnston may request that a hearing be held in connection with demonstrating his reasons for reinstatement. Motion passed.

After a review of the request by Donald F. Beste, Jr., for the reinstatement of his license for purpose of establishing reciprocity to another state, Mr. Quistgard moved and Mr. Nelson seconded that such reinstatement be granted subject to the receipt of a letter from the secretary of the Board of Pharmacy in Washington, indicating that Mr. Beste is in good standing there without any violations of pharmacy laws or regulations. Motion passed.

The secretary reported that Pharmacist John A. MacDonald was released from the Veterans Administration Hospital in St. Cloud, Minnesota, and that Dr. Robert B. May, Acting Chief of Staff of that hospital had written a letter in a very general style which did not answer some of the previous questions put to the hospital by the secretary. The secretary indicated that he had written the hospital again asking for specific answers and the board instructed the secretary to write a third letter in this matter. Motion was made by Mr. Nelson and seconded by Mr. Quistgard indicating that if the reply from the hospital indicates that Mr. MacDonald is unsafe to practice pharmacy and if sufficient evidence is available in the opinion of counsel, that a citation be prepared directed to Mr. MacDonald requiring him to show cause why his license to practice pharmacy should not be suspended or revoked. Motion passed.

The secretary then described applications for licenses to operate pharmacies by Dahl's of Meadowbrook, by the Melrose Hospital and by the Trimont Hospital. Mr. Nelson moved and Mr. Anderson seconded that these three licenses be granted subject to physical inspection and subject to approval by the secretary of the pharmacy procedures manual at the Trimont Hospital. Motion passed.

The secretary described applications to modify the size of all of the pharmacies operated by the Dayton Corporation in Minnesota. The purpose of this modification is to license simply the prescription department rather than the entire drug department as is currently done. The secretary indicated that a conversation with Mr. Fred Weeks, Pharmacist-in-Charge of the Minneapolis Dayton's Pharmacy, in which it was pointed out that a pharmacy must stock and be able to dispense all drugs normally requested, including over-the-counter drugs. The secretary requested Mr. Weeks to prepare a statement to that effect delineating the areas of responsibility of the pharmacist-in-charge and the scope pharmacy services to be rendered in the modified pharmacy areas. He also reported that Mr. Weeks phoned during the day of this meeting indicating that their reply would not be ready until the January meeting. These applications were then held over until January for consideration at that time.

The secretary then described a letter from Donald A. Dee, Executive Secretary of the Minnesota State Pharmaceutical Association, requesting the board's cooperation in a proposal by the Association to sponsor a luncheon or banquet for recent registrants. After some discussion it was the concensus of the board that a breakfast or luncheon meeting would be preferred so that the evening would be free for correction of examinations by board members. The secretary was instructed to proceed with the details of cooperation with the Association in connection with such a meeting in January on a trial basis.

The board also reconsidered its plans to schedule a Sunday examination in January and decided that the January examination would be conducted on Monday and Tuesday with an oral examination on Wednesday morning, the written examination being on Monday and the practical examination on Tuesday. The reciprocity examination is to be written Monday afternoon and the reciprocity oral examinations are to be scheduled on Wednesday.

The secretary then described the "DSC Detailer" a pharmaceutical reference requested by some pharmacists to be considered

for the board as an approved text under the meaning of Regulation No. 11. This reference lists drugs for a one year period of time only and it was the concensus of the board that it not be accepted as an equivalent acceptable text in reference under the meaning of Regulation No. 11.

Counsel, Mr. Harry P. Strong, Jr., reviewed for the board a new procedure by the Attorney General for the handling of contested cases. The secretary was instructed to contact the Attorney General's office to supply hearing officers for future meetings especially if this service can be provided at no charge.

After a review of the evidence in the matter of violation of Regulation No. 37k by Pharmacist David L. Breen, Mr. Nelson moved and Mr. Quistgard seconded that a letter of severe reprimand be written to Mr. Breen outlining the meaning of the regulation and indicating that non-compliance by another pharmacy in connection with another regulation does not justify a violation. Motion passed.

After a review of the evidence in the violation of Regulation No. 37k by Pharmacist Dennis D. Ross, Mr. Nelson moved and Mr. Quistgard seconded that a letter of strong reprimand be issued to Mr. Ross by the secretary. Motion passed.

After a discussion of the evidence in the matter of violation of Regulation No. 37k by Pharmacist Joseph J. Markovich, Mr. Anderson moved and Mr. Nelson seconded that a letter of reprimand be written to Mr. Markovich. Motion passed.

After a discussion of the evidence produced in the hearing involving Pharmacist V. Edward Anderson, Mr. Quistgard moved and Mr. Nelson seconded that the secretary be instructed to write Mr. Anderson thanking him for appearing before the board and clarifying his status with the nursing homes and his professional service capabilities. It is the board's belief that based on testimony gathered that there are no violations directly involving Mr. Anderson. Motion passed.

After a review of the evidence obtained in the Kachina matter, Mr. Quistgard moved and Mr. Nelson seconded that if the shortages of records and drugs are not properly explained to the secretary after eight days that the secretary and counsel be instructed to issue a citation to Mr. Kachina requiring him to show cause why his license to practice pharmacy should not be suspended or revoked. Motion passed.

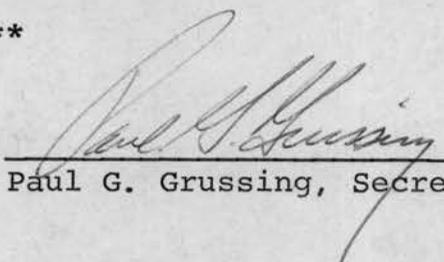
After a review of the minutes of the 439th and 440th meetings, Mr. Quistgard moved and Mr. Nelson seconded that the minutes of these meetings be approved as written. Motion passed.

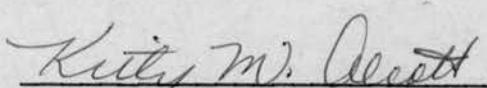
Mr. Quistgard observed that since this is the last regularly scheduled meeting of the board in 1969 it may signal the culmination of five years of effective representation and leadership in board activities by Mrs. Kitty Alcott. The board members recognized the outstanding service and quality leadership provided by Mrs. Alcott and agreed that she should plan to attend the next regular meeting of the board in January if her successor is not nominated by the Governor at that time.

Since the board is planning to return to its usual Monday, Tuesday, Wednesday testing sequence in January an informal meeting will be scheduled for 9:00 o'clock P.M., Sunday, January 4 for the purpose of reviewing the weeks activities.

The secretary discussed a report comparing the actual state mileage costs for fiscal year 1968 with the costs of using permanently assigned cars from the Department of Administration motor pool. The comparison showed a possible savings of \$1,081.67, annually. He pointed out that the possibility of conversion to motor pool transportation was discussed with both inspectors early this year, relating that he would request the board to institute such a conversion after a reasonable notice to inspectors who rely on expense accounts in part to maintain automobiles for their employment. The secretary also related that since his discussion with the inspectors, they both purchased new automobiles without checking to see if the board had decided to convert to motor pool vehicles. The secretary asked the board if they would consider some delay in implementing the change-over. After some discussion, Mr. Quistgard moved and Mr. Nelson seconded that the secretary make arrangements to provide motor pool unmarked automobiles without the characteristic maroon color, to the inspectors as soon as possible after January 1, 1970 and that the secretary continue to utilize motor pool transportation whenever available for out-of-town trips. Motion passed.

Mr. Anderson moved and Mr. Seifert seconded that the meeting be adjourned. Motion passed. Adjournment at 5:15 P.M.


Paul G. Grussing, Secretary


Kitty M. Alcott, President