

MINNESOTA BOARD OF PHARMACY
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CHECKLIST OF LEGAL REQUIREMENTS TO BE FOLLOWED IN CLOSING AN IN-STATE PHARMACY

- A. At least 14 days before a duly licensed pharmacy closes and ceases operation the pharmacist-in-charge shall:
1. notify the Board of the intended closing, and
 2. notify the Drug Enforcement Administration in Minneapolis, (Drug Enforcement Administration, 100 South Washington Avenue, Suite 800, Minneapolis, MN 55401, 612-344-4136) by phone to receive information about their requirements.
- B. Effective with the closing date:
1. The pharmacist-in-charge shall:
 - a. Return the pharmacy license to the Board office, noting the closing date; and,
 - b. Notify the Board as to the disposition of the prescription files, legend drugs, insulin, hypodermic syringes and needles, contraceptive drugs and devices, chemicals, and non-prescription drugs. If the pharmacy that is closing has been computerized, a print-out of all patient profiles going back two years should be made and transferred to the pharmacy that is receiving the prescription files, unless a computer is also transferred to the receiving pharmacy.
 - c. Ensure that all legend drugs are removed from the pharmacy at the time of closing. Legend drugs may be stored only in a licensed pharmacy and cannot be stored elsewhere, not even in the custody of a licensed pharmacist.
 2. A controlled substances inventory must be taken. This inventory will serve as the final inventory of the registrant/transferor and, if applicable, the initial inventory of the registrant/transferee. A copy of the inventory must be included in the records of each registrant. It is not necessary to file a copy of the inventory with the DEA, unless requested by the Regional Administrator.
 - a. If controlled substances are to be destroyed, contact your local DEA office for instructions at www.deadiversion.usdoj.gov or by calling (612) 344-4136.
 - b. If Schedules III through V controlled substance are being transferred to another DEA registrant, they must be transferred on duplicate

- invoices, with each registrant keeping a copy.
- c. If Schedule II controlled substances are being transferred to another DEA registrant, they must be transferred using a DEA form-222, received from the DEA registrant taking possession of the Schedule II substances. The transferring pharmacy must fill out the supplier portion of the form and forward the green copy (copy 2) to the local DEA office.
 - d. If the DEA does not approve of the transfer, instructions will be furnished to the pharmacy that is closing to dispose of the drugs according to the written instructions provided by the Regional Director.
- C. When a pharmacy is closing, the pharmacist-in-charge must inform the succeeding business occupying the premises and the landlord that it is unlawful to use the word "drugs," "drug store," "pharmacy," etc., in connection with the place of business, unless it is a licensed pharmacy.
- D. A licensed pharmacy must provide a public notification when closing a pharmacy. See Rule 6800.1010, Subp. 3.

6800.1010 CLOSING A PHARMACY.

Subpart 1. **Before closing.**

At least 14 days before a licensed pharmacy closes and ceases operation it shall notify the board of the intended closing.

Subp. 2. **At time of closing.**

Effective with the closing date, the pharmacist-in-charge shall:

- A. return the pharmacy license to the board office, noting the closing date;
- B. notify the board as to the disposition of the prescription files, legend drugs, insulin, hypodermic syringes and needles, contraceptive drugs and devices, chemicals, and nonprescription drugs;
- C. if the pharmacy that is closing has been computerized, give a printout of all patient profiles to the pharmacy that is receiving the prescription files;
- D. ensure that all legend drugs are removed from the pharmacy at the time of closing and stored in a licensed pharmacy; legend drugs must not be stored elsewhere, including in the custody of a pharmacist;
- E. inform the succeeding business occupying the premises and the landlord, if any, that it is unlawful to use the words "drugs," "drug store," or "pharmacy," or similar words in connection with the place of business unless it is a licensed pharmacy; and
- F. take a controlled substances inventory as described in subitems (1) to (4). The inventory shall serve as the final inventory of the closing pharmacy and the initial inventory of the pharmacy receiving the controlled substances, and a copy of the inventory shall be included in the records of both. It is not necessary to file a copy of the inventory with the Drug Enforcement Administration unless requested by the regional administrator.
 - (1) If controlled substance drugs are to be destroyed, the pharmacist-in-charge must contact the local Drug Enforcement Administration for instructions.
 - (2) If controlled substance drugs, Schedule III-V, are being transferred, they shall be transferred on duplicate invoices, with each pharmacy keeping a copy.
 - (3) If Schedule II narcotics are being transferred, the transferee must submit a new Drug Enforcement Administration 222 Form to the transferor for the Schedule II substances only.

(4) If the Drug Enforcement Administration does not approve of the transfer, instructions must be given to the pharmacy that is closing to dispose of the drugs according to the written instructions provided by the regional director.

Subp. 3. **Public notification.**

A licensed pharmacy must provide the following public notification when closing a pharmacy: distribution, by at least one of the following means, of a notice that informs patients that the pharmacy will close on a specified date and that gives the name, address, and telephone number of the pharmacy to which prescription files will be transferred:

A. publication of the notice in a local newspaper for one week prior to the date on which the pharmacy is to be closed;

B. a direct mailing to patients who have had at least one prescription filled at that pharmacy during the six months preceding the date of closing, with the mailing designed to reach patients no later than one business day prior to the closing; and

C. distribution of the notice to patients who are picking up prescriptions at least 30 days prior to the date on which the pharmacy will be closed.

In the case of patients who are residents of long-term care facilities, the pharmacy shall provide a written notice to the patients, the caregivers of the patients, or the long-term care facilities in which the patients reside at least 30 days prior to the date on which the pharmacy will be closed.