

# Minnesota Board of Pharmacy

## NOTICE OF HEARING

**In the Matter of the Proposed Rule Amendments Relating to Pharmacy Practice, including Pharmacy Work Conditions Related to the Safety of the Public, proposing amending *Minnesota Rules* 6800.2150 and adoption of a new rule part, *Minnesota Rules* [6800.2160]; Revisor's ID Number RD4355**

**Public Hearing.** The Minnesota Board of Pharmacy intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules at the Office of Administrative Hearings, 600 Robert Street North, St. Paul, MN 55164-0620 starting at 9:30 A.M. on October 19, 2016 and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Perry Wilson will conduct the hearing. Judge Wilson's Legal Assistant Katie Lin can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0310 or [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us). The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about pharmacy work conditions that have an impact on public safety. The Board is proposing to limit the number of continuous hours that pharmacists, pharmacist interns and pharmacy technicians can be required to work and to require that they be given breaks in certain circumstances. The proposed rules are authorized by *Minnesota Statutes*, §151.06, subd. 1(b). A copy of the proposed rules is published in the *State Register*. A copy is also attached to this notice as mailed or e-mailed and is available at the agency's website at <http://mn.gov/boards/pharmacy/statutes/rules.jsp>, under the Rule-Making Docket heading.

The agency contact person is: Cody Wiberg at Minnesota Board of Pharmacy, 2829 University Avenue SE, Suite 530, Minneapolis, MN 55414. Phone: (651)201-2825, FAX: (612)617-2262, and e-mail: [cody.wiberg@state.mn.us](mailto:cody.wiberg@state.mn.us).

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. A copy of the Statement of Need and Reasonableness is available on the agency's website at <http://mn.gov/boards/pharmacy/statutes/rules.jsp>, under the Rule-Making Docket heading. You may also obtain a copy by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate by attending and commenting at the hearing and by submitting written comments, as described below. *All written comments and other written materials must be submitted to the administrative law judge through the Office of Administrative Hearings e-Comments system that is available on the following Web page: <https://minnesotaoah.granicusideas.com/>. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All responses received are public and will be available for review at the Office of Administrative Hearings.*

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at:

Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

9/7/2016

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Date

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Cody Wiberg  
Executive Director