

1.1 **Board of Pharmacy**1.2 **Proposed Permanent Rules Relating to Pharmacy Working Conditions**1.3 **6800.2150 PHARMACIST ON DUTY.**

1.4 Subpart 1. Requirement to have a pharmacist on duty. A. A pharmacy or satellite
1.5 pharmacy shall have at least one licensed pharmacist on duty and physically present in
1.6 the pharmacy at all times that the pharmacy is open for the transaction of business except
1.7 ~~that~~ for brief absences of the pharmacist arising out of and in the course of pharmacy
1.8 practice are allowable.

1.9 Subp. 2. Limiting access to pharmacies. B. When a pharmacy is closed or there
1.10 is no pharmacist on duty, other individuals shall not be allowed access to the pharmacy
1.11 except as provided in part 6800.7530. ~~In pharmacies where there are two or more~~
1.12 ~~pharmacists on duty, the pharmacists shall stagger their breaks so that the pharmacy is not~~
1.13 ~~left without a pharmacist for a temporary period.~~

1.14 **6800.2160 PHARMACY WORK CONDITIONS.**

1.15 Subpart 1. Limitation on continuous hours worked. A pharmacy licensed under
1.16 Minnesota Statutes, section 151.19, subdivision 1, which is located within Minnesota,
1.17 shall not require a pharmacist, pharmacist-intern, or pharmacy technician to work longer
1.18 than 12 continuous hours per day, inclusive of the breaks required under subpart 2.

1.19 Subp. 2. Requirements for breaks.

1.20 A. A pharmacist, pharmacist-intern, or pharmacy technician working longer
1.21 than six continuous hours per day shall be allowed during that time period to take a
1.22 30-minute, uninterrupted break.

1.23 B. A pharmacist, pharmacist-intern, or pharmacy technician shall be allowed
1.24 adequate time from work within each four consecutive hours of work to utilize the nearest
1.25 convenient restroom.

2.1 C. A pharmacy may, but is not required to, close when a pharmacist is on
2.2 a break. If the pharmacy does not close, the pharmacist shall either remain within the
2.3 licensed pharmacy or within the establishment in which the licensed pharmacy is located
2.4 in order to be available for emergencies. In addition, the following apply:

2.5 (1) pharmacy technicians, pharmacist-interns, and other supportive staff,
2.6 authorized by the pharmacist on duty, may continue to perform duties as allowed under
2.7 this chapter;

2.8 (2) no duties reserved to pharmacists and pharmacist-interns under any
2.9 part of this chapter, or that require the professional judgment of a pharmacist, may be
2.10 performed by pharmacy technicians or other supportive staff; and

2.11 (3) only prescriptions that have been certified by a pharmacist, as required
2.12 by part 6800.3100, may be dispensed while the pharmacist is on break; except that
2.13 prescriptions that require counseling by a pharmacist, including all new prescriptions
2.14 and those refill prescriptions for which a pharmacist has determined that counseling is
2.15 necessary, may be dispensed only if the following conditions are met:

2.16 (a) the pharmacy develops a list of drugs that may not be dispensed
2.17 while a pharmacist is taking an allowed break, without the patient receiving counseling
2.18 from a pharmacist, when counseling would normally be required;

2.19 (b) the patient, or other individual who is picking up the prescription
2.20 on behalf of the patient, is told that the pharmacist is on a break and is offered the chance
2.21 to wait until the pharmacist returns from break in order to receive counseling;

2.22 (c) if the patient or caregiver declines to wait, a telephone number at
2.23 which the patient or a caregiver can be reached is obtained;

2.24 (d) after returning from the break, the pharmacist makes a reasonable
2.25 effort to contact the patient or a caregiver by telephone and provides counseling; and

3.1 (e) the pharmacist documents the counseling that was provided or
3.2 documents why counseling was not provided, including a description of the efforts made
3.3 to contact the patient or caregiver. The documentation shall be retained by the pharmacy,
3.4 and be made available for inspection by the board or its authorized representatives, for a
3.5 period of at least two years.

3.6 D. In pharmacies staffed by two or more pharmacists, the pharmacists shall
3.7 stagger breaks so that at least one pharmacist remains on duty at all times that the
3.8 pharmacy remains open for the transaction of business.

3.9 Subp. 3. **Exceptions for emergencies.** Subpart 1 and subpart 2, item A, shall not
3.10 apply in the event that an emergency necessitates that a pharmacist, pharmacist-intern, or
3.11 pharmacy technician work longer than 12 continuous hours, work without taking required
3.12 meal breaks, or have a break interrupted in order to minimize immediate health risks for
3.13 patients.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Pharmacy Working Conditions

AGENCY: Board of Pharmacy

MINNESOTA RULES: Chapter 6800

The attached rules are approved for
publication in the State Register

Lauren C. Bethke

Lauren C. Bethke
Assistant Revisor