



# MINNESOTA BOARD OF PHARMACY

*newsletter to promote pharmacy and drug law compliance*

## **Disciplinary Actions**

Because of space limitations, information on disciplinary actions is no longer included in the *Minnesota Board of Pharmacy Newsletter*. A document that provides information about recent Board disciplinary actions can be found on the Board's [website](#) under the "Resources/FAQs" menu item.

## **New Board Office**

Effective September 1, 2021, the Board moved to new offices, along with most of the other health professionals' regulatory boards (HPRBs). The lease that the HPRBs had on the boards' offices located in Minneapolis, MN, expired, and the building owner did not respond to a request for proposal that was issued for office space. This meant that the boards had no choice but to move to new offices. After considering other proposals, the HPRBs chose to move to a building in St Paul, MN, which was newly constructed to better fit the needs of the boards. The cost of the construction is spread out over the first 10 years of the lease, not paid for up front. The Board's new address is 335 Randolph Ave, Suite 230, St Paul, MN 55102. The Board's telephone numbers and email addresses remain the same, but its fax numbers have changed. The Board's main fax number is 651/215-0951. The prescription monitoring program fax number is 651/215-0948.

Because of the continuing coronavirus disease 2019 (COVID-19) pandemic, the Board's office remains closed to the public. Board business and committee meetings will continue to be held virtually, using WebEx, pursuant to Minnesota Statutes §13D.021, subdivision 1. Access information for the business meetings is available at [mn.gov/boards/pharmacy/board/agenda.jsp](https://mn.gov/boards/pharmacy/board/agenda.jsp). (The agenda for each meeting has the access information.) The other documents that are distributed for the meetings are also posted on the web page.

## Staff Change

Dr Jennell Bilek, who was recently hired to replace Beth Ferguson when she retired as deputy director, decided to return to the law firm that she had worked at before moving to the Board. Dr Bilek enjoyed working for the Board and was doing an excellent job. She will be missed. The Board posted the position for 30 days, ending on September 10, 2021. It is likely that the new deputy director will not be hired and in place until the end of October or early November. Additional information will be provided when it is available.

## Pharmacy Technicians

All pharmacy technicians should have certified to the Board of Pharmacy, **not** to the Pharmacy Technician Certification Board, the completion of their continuing education (CE) for the two-year technician CE period that ended on July 31, 2021. Technicians who have not certified their completion of CE will have their registration status changed from “Active” to “Owes CE,” and will not be allowed to renew their registration for 2022.

Pharmacists-in-charge (PICs) can verify the registration status of all technicians working in their pharmacy. This can be done by visiting the Board’s [website](#), selecting “Verify Your License,” and typing in the registration number or name of the technician. Please look under “License Status” and make sure that the status is Active. If the status of a technician is **not** Active or Owes CE, have the technician call the Board office for assistance. If the status is Active, the PIC does not need to do anything else. If the status is Owes CE, the PIC should ask the technician to submit copies of proof of CE participation to the Board. When submitting proof of CE participation, technicians should include their name and registration number. Once proof of CE participation is received and approved, the technician’s registration status will be changed back to Active, and a renewal application will be appended to the technician’s record. If technicians do not submit proof of CE participation, or if it is not approved, they will not have a renewal application appended to their record and will not be able to renew their registration. In that case, as of January 1, 2022, those individuals will not be allowed to work as pharmacy technicians.

Technicians will be notified about when they can renew their registration and how they can do so. Pharmacy technician registration renewals are due on December 1, 2021, not on December 31, as many people mistakenly believe. Technicians are given the month of December as a “grace period” but should renew by December 1, if possible. The registrations of technicians who fail to renew by December 31, 2021, will expire on that date. Individuals will not be able to work as technicians if their registrations have expired.

Some technicians may also have an “Owes Training” registration status. If a PIC finds a technician with that status, the PIC should ask the technician to submit a copy of proof of technician training as outlined on the Board’s [website](#). Technicians have 12 months from their original date of registration/reinstatement to complete their training program (not from the date of employment).

To check a technician's training status, complete a license verification check with either their name or registration number. If they are in Owes Training status, they are still active until their expiration date, but past the deadline for submitting their proof of training to the Board. They will not be able to renew until they have submitted their proof of completion.

## COVID-19

Although the peacetime emergency declared by Governor Tim Walz ended on July 1, 2021, the Board still has a COVID-19 FAQ Document on its [website](#). Most of the exceptions to **state** statutes and rules that the Board allowed during the peacetime emergency have expired. However, most of the exceptions allowed under federal Public Readiness and Emergency Preparedness Act declarations and amendments remain in place. Information about those federal exceptions, plus links to useful resources, can be found in the Board's COVID-19 FAQ Document. Licensees and registrants are encouraged to check the document regularly for updated information.

## Buprenorphine

The Board has received reports from prescribers that some pharmacists are refusing to fill prescriptions for buprenorphine that is prescribed for pain, unless the prescription has a Drug Addiction Treatment Act of 2000-waived unique identification number (UIN), or "X number." Per the Drug Enforcement Administration (DEA) *Pharmacist's Manual* (2020) (emphasis added):

Neither the CSA [Controlled Substances Act] nor its implementing regulations expressly prohibit the prescribing and dispensing of buprenorphine or other opiate products for the treatment of pain. Federal regulations do require that controlled substances be prescribed for a legitimate medical purpose by a DEA registered practitioner acting in the usual course of his or her professional practice. [21 CFR 1306.04\(a\)](#). If a DEA registered practitioner issues a prescription for a buprenorphine drug product approved by the FDA for the treatment of pain, **or off-label prescribes a buprenorphine drug product approved by the Food and Drug Administration (FDA) for maintenance or detoxification treatment for the treatment of pain, then the UIN or 'X' Number is not required.** Please note that the specific prescribing or dispensing of certain buprenorphine products for pain may be considered 'off-label' use. DEA cannot address any possible consequences under the Food, Drug, and Cosmetic Act (FD&C) for dispensing for unapproved (off-label) uses.

Note that buprenorphine products that have been approved for medication-assisted treatment (MAT) of opioid addiction, such as Suboxone®, **can** be legally prescribed for the treatment of pain, even though such use is off-label. When that occurs, the prescription must have the DEA registration number of the prescriber, but it does not need to have a UIN "X number." Pharmacists may have to clarify the intended use of such prescriptions by contacting the prescriber, unless the prescriber has indicated on the prescription that the drug is being prescribed for pain.

The DEA *Pharmacist’s Manual* also has extensive information about the requirements for prescribing and dispensing buprenorphine when it is being used for MAT.

### **Resource for Pharmacists Prescribing Contraceptives**

The Board recently obtained permission from the Reproductive Health National Training Center (RHNTC) to use a fact sheet, developed for patients, that provides information about various methods of birth control. The RHNTC provided versions in English and Spanish, and the Board had the document translated into three additional languages – Hmong, Russian, and Somali. All versions are available for downloading at [mn.gov/boards/pharmacy/resourcesfaqs/prescribingprotocols.jsp](https://mn.gov/boards/pharmacy/resourcesfaqs/prescribingprotocols.jsp).

Information about the self-administered hormonal contraceptives, nicotine replacement products, and opioid antagonist prescribing protocols can also be obtained from that web page.

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