



# MINNESOTA BOARD OF PHARMACY

*newsletter to promote pharmacy and drug law compliance*

## ***Disciplinary Actions Listed Online***

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.

## ***Board Officer Elections***

During the November 16, 2022 meeting, the Board re-elected Stuart Williams, JD, a public Board member, to be its president. Mr Williams was first appointed to the Board in 2011. The Board elected Kendra Metz, PharmD, RPh, to be its vice president for 2023. Dr Metz was appointed to the Board in 2020.

## ***Pharmacist License Renewals***

By this time, all pharmacists who wanted to renew their license for the period starting March 1, 2023, should have done so. Pharmacists who did not renew their license by that date should not be practicing pharmacy in Minnesota. Practicing pharmacy without a license is grounds for disciplinary action and can result in the pharmacist having to pay a civil penalty. Pharmacists who have not renewed their license, but who wish to do so, should contact the Board's office as soon as possible for instructions on how to renew.

## ***Pharmacy Technician CE***

Minnesota-registered pharmacy technicians are reminded that continuing education (CE) reporting is due no later than July 31 of every odd-numbered year. There are now approximately four months left during which technicians can

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complete and report their CE for the period from August 1, 2021, to July 31, 2023. Upon completion of at least the required 20 hours of CE, technicians can visit the Board's website, choose the "Login to My Account" item from the "How do I" tab in the upper right-hand corner of the page, log in to the Board's system, and certify the completion of their CE. Alternatively, technicians can access a Certification of Completion of CE form on the Board's website by selecting "Forms" from the top navigation. Fill out and sign the form, then send it to the Board's office. Note that technicians who first received their registration from the Board after August 1, 2021, may need to complete less than 20 hours of CE. Those individuals need to complete an amount of CE that is prorated based on the number of months that they had an active registration during the CE cycle. Those technicians can determine the number of hours that they need to complete by logging in to their account on the "Online Services" portion of the Board's website.

### ***Digital Medication Guides***

The Board is aware that some pharmacies have implemented the use of QR codes on prescription vials that allow patients to access medication guides electronically. While this option is useful for some, there are many patients who do not have the ability to utilize this technology. For this reason, paper medication guides need to remain the default option, and patients must "opt in" for electronic medication guides if they no longer wish to receive paper medication guides.

### ***Prescription Transfers***

Recently, there have been several questions regarding prescription transfers, the most common being "can the receiving pharmacy fax to request a transfer and/or can a pharmacy transfer a prescription by simply faxing the receiving pharmacy?" Per Minnesota Administrative Rule 6800.3120, Subpart 2, a fax is not deemed direct. It can be used to facilitate a transfer, but the actual transfer must be conducted from one pharmacist/intern to another pharmacist/intern verbally so they can verify the information and legitimacy of the prescription and confirm the fax.

### ***Practitioner DEA and NPI Numbers***

A Drug Enforcement Administration (DEA) number is not required to dispense prescription drugs unless those prescription drugs are also a controlled substance (CS). The Board has responded to multiple questions regarding pharmacists requiring a practitioner's DEA number for filling a legend substance that is not a CS. A pharmacist or pharmacy cannot require a practitioner to provide a DEA number if the prescribed substance(s) are not CS.

State requirements for CS prescriptions may be found in Minnesota Statute 152.11, Subdivision 2a, which states, in part:

A prescription need not bear a federal drug enforcement administration registration number that authorizes the prescriber to prescribe controlled substances if the drug prescribed is not a controlled substance . . . No person shall impose a requirement inconsistent with this subdivision.

A number of these requests have been related to veterinarians as the prescribing practitioner. Practitioners are not required to obtain a DEA registration unless they prescribe CS. As a reminder, veterinarians do not possess National Provider Identifier (NPI) numbers because that registration is a unique identification number for covered health care providers from the Centers for Medicare & Medicaid Services and relates only to the provision of care to persons, not animals. Pharmacies should contact their software vendors if the system requires the input of a DEA or NPI number in order to add a practitioner to the database.

## **Monthly Schedule II CS Audit Requirements**

Minnesota Administrative Rule 6800.4600 reads:

Each pharmacy located in this state shall maintain a perpetual inventory system for Schedule II controlled substances. The system shall be established in a manner that will provide total accountability in all aspects of Schedule II drug distribution. The inventory shall be reconciled with the actual inventory monthly and the reconciliations shall be documented. Reconciliation documentation shall be retained for at least two years.

This inventory includes all Schedule II CS in the pharmacy, including expired or unsaleable medications such as broken tablets. If the Schedule II CS is in the possession of the pharmacy, it should be maintained in the inventory until it has been sent for reverse distribution with a valid DEA Form 222. This inventory should also be readily retrievable for review upon inspection. Federal record requirements for CS can be found in 21 Code of Federal Regulations 1304.22.

## **Pharmacy Inspections**

Pharmacy inspections are occurring regularly and are unannounced. The Board has encountered many new pharmacists-in-charge (PICs) who have never been involved in an inspection. Questions often arise regarding how to be prepared for a visit from a surveyor. As a reminder, under the “Forms” tab on the Board’s website, there are documents for PICs, including guidelines and responsibility surveys, that highlight many of the items reviewed during inspections.

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*Jill Phillips, MPH, RPh - State News Editor*

*Lemrey “Al” Carter, PharmD, MS, RPh - National News Editor & Executive Editor*

*Megan Pellegrini - Publications and Editorial Manager*

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**335 Randolph Avenue, Suite 230 | St Paul, MN 55102 | <https://mn.gov/boards/pharmacy>**