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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2510

02/27/2012 Authored by Anzelc, Melin, Dill and Murphy, E.,
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health; authorizing the licensure of physicians to dispense drugs in
1.3 pharmacies located in health professional shortage areas; amending Minnesota
1.4 Statutes 2010, section 151.01, by adding subdivisions; Minnesota Statutes 2011
1.5 Supplement, section 151.19, by adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 151.01, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 2a. **Limited service pharmacy.** "Limited service pharmacy" means a
1.10 pharmacy that has been issued a restricted license by the board to perform a limited range
1.11 of the activities that constitute the practice of pharmacy.

1.12 Sec. 2. Minnesota Statutes 2010, section 151.01, is amended by adding a subdivision
1.13 to read:

1.14 Subd. 34. **Health professional shortage area.** "Health professional shortage area"
1.15 means an area designated as such by the federal Secretary of Health and Human Services,
1.16 as provided under Code of Federal Regulations, title 42, part 5, and United States Code,
1.17 title 42, section 254E.

1.18 Sec. 3. Minnesota Statutes 2011 Supplement, section 151.19, is amended by adding a
1.19 subdivision to read:

1.20 Subd. 4. **Licensing of physicians to dispense drugs; renewals.** (a) The board may
1.21 grant a license to any physician licensed under chapter 147 authorizing the physician to
1.22 dispense drugs to individuals for whom pharmaceutical care is not reasonably available.
1.23 The license may be renewed annually. Any physician licensed under this subdivision shall

2.1 be limited to dispensing drugs in a limited services pharmacy and shall be governed by the
2.2 rules adopted by the board when dispensing drugs.

2.3 (b) For the purposes of this subdivision, pharmaceutical care is not reasonably
2.4 available if the pharmacy in which the physician is dispensing drugs is located in a health
2.5 professional shortage area.

2.6 (c) For the purposes of this subdivision, section 151.15, subdivision 2, shall not
2.7 apply, and section 151.215 shall not apply provided that a physician granted a license
2.8 under this subdivision certifies each filled prescription in accordance with Minnesota
2.9 Rules, part 6800.3100, subpart 3.

2.10 (d) Notwithstanding section 151.102, a physician granted a license under this
2.11 subdivision may be assisted by a pharmacy technician if the technician holds a valid
2.12 certification from the Pharmacy Technician Certification Board or from another national
2.13 certification body for pharmacy technicians that requires passage of a nationally recognized
2.14 psychometrically valid certification examination for certification as determined by the
2.15 board. The physician may supervise the pharmacy technician as long as the physician
2.16 assumes responsibility for all functions performed by the technician. For purposes of this
2.17 subdivision, supervision does not require the physician to be physically present if the
2.18 physician or a licensed pharmacist is available, either electronically or by telephone.

2.19 (e) Nothing in this subdivision shall be construed to prohibit a physician from
2.20 dispensing drugs pursuant to section 151.37 and Minnesota Rules, parts 6800.9950
2.21 to 6800.9954.