

treatment facility to which the patient is committed of a finding that the patient is incompetent.

(c) Where the person to be committed is a minor or owns property of value and it appears to the court that the person is not competent to manage a personal estate, the court shall appoint a general or special guardian or conservator of the person's estate as provided by law.

**Sec. 2. REPEALER.**

Minnesota Statutes 1998, section 609.165, subdivision 1c, is repealed.

**Sec. 3. EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor April 13, 1999

Signed by the governor April 16, 1999, 3:35 p.m.

**CHAPTER 62—H.F.No. 408**

*An act relating to health; modifying the definition of practice of pharmacy; amending Minnesota Statutes 1998, section 151.01, subdivision 27.*

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

Section 1. Minnesota Statutes 1998, section 151.01, subdivision 27, is amended to read:

Subd. 27. **PRACTICE OF PHARMACY.** "Practice of pharmacy" means:

- (1) ~~the interpretation and evaluation of prescriptions or prescription drug orders;~~
- (2) ~~the compounding, labeling, and dispensing, or labeling of drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);~~
- (3) ~~the participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs;~~
- (4) participation in drug and therapeutic device selection and; drug administration for first dosage and medical emergencies; drug utilization regimen reviews; and drug or drug-related research;
- (5) participation in the practice of managing drug therapy and modifying drug therapy, according to section 151.21, subdivision 1, on a case-by-case basis according to a written protocol between the specific pharmacist and the individual dentist, optometrist, physician, podiatrist, or veterinarian who is responsible for the patient's care and authorized to independently prescribe drugs. Any significant changes in drug therapy must be reported by the pharmacist to the patient's medical record;
- (6) participation in the storage of drugs and the maintenance of records therefor;

New language is indicated by underline, deletions by ~~strikeout~~.

(6) the (7) responsibility for advising participation in patient counseling on therapeutic values, content, hazards, and uses of drugs and devices; and

(7) the (8) offering or performing of those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy.

Presented to the governor April 13, 1999

Signed by the governor April 16, 1999, 12:11 p.m.

## CHAPTER 63—H.F.No. 1714

*An act relating to occupations and professions; allowing the board of pharmacy to grant waivers to pharmacists regarding the ratio of pharmacists to pharmacy technicians; amending Minnesota Statutes 1998, section 151.102.*

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

Section 1. Minnesota Statutes 1998, section 151.102, is amended to read:

### 151.102 PHARMACY TECHNICIAN.

Subdivision 1. GENERAL. A pharmacy technician may assist a pharmacist in the practice of pharmacy by performing nonjudgmental tasks and works under the personal and direct supervision of the pharmacist. A pharmacist may supervise two technicians, as long as the pharmacist assumes responsibility for all the functions performed by the technicians. Nothing in this section prohibits the board of pharmacy from operating according to established rules setting The board of pharmacy may, by rule, set ratios of technicians to pharmacists greater than two to one for the functions specified in rule. The delegation of any duties, tasks, or functions by a pharmacist to a pharmacy technician is subject to continuing review and becomes the professional and personal responsibility of the pharmacist who directed the pharmacy technician to perform the duty, task, or function.

Subd. 2. WAIVERS BY BOARD PERMITTED. A pharmacist in charge in a pharmacy may petition the board for authorization to allow a pharmacist to supervise more than two pharmacy technicians. The pharmacist's petition must include provisions addressing the maintenance of patient care and safety. A petition filed with the board under this subdivision shall be deemed approved 90 days after the board receives the petition, unless the board denies the petition within 90 days of receipt and notifies the petitioning pharmacist of the petition's denial and the board's reasons for denial.

Presented to the governor April 13, 1999

Signed by the governor April 16, 1999, 12:15 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.