

6800.2160 PHARMACY WORK CONDITIONS.

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

Subp. 2. **Requirements for breaks.**

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

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

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

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

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

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

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

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

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

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

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

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

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

Statutory Authority: *MS s 151.06*

History: *41 SR 1382*

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