

A PLEA FOR A PERMANENT PROFESSIONAL TENURE IN  
PHARMACY.\*BY C. FERDINAND NELSON.<sup>1</sup>

There can be little doubt but that the American pharmacist is rapidly losing, if he has not already lost, his sense of genuine professionalism and professional pride and, with these, his very birthright in matters vitally important to him.

Just how this has come about is, indeed, hard to say. It may well be that years and decades of close confinement and work behind the counter or prescription case have tended to soften his spine and thus rob him of the strength which should be his. It may be that his life-long habit to serve his customer early and late, in and out of season, for little or nothing has so modified his nature and drained his nervous resources that he sees and feels that nothing by way of reward can possibly come to him. Worst of all, it may be that he has drugged himself into the feeling that what is right and always will be so; that the calling he has chosen is static rather than dynamic in its nature; that his profession, unlike any other, can remain where it always has been without undergoing atrophy and decay. Whatever causes may account for his lethargy we must admit that they exist and for cure nothing but heroic treatment will avail.

*It seems at once axiomatic and incontrovertible that if pharmacy is to live and flourish the men and women who practise it must consider themselves as belonging to a profession and not a trade or simple business, as too many do to-day.* This point cannot be too strongly emphasized since the briefest analysis at once shows that whatever monopoly the pharmacist now enjoys from the State, in the compounding and dispensing of drugs and chemicals, comes by virtue of a supposed professional knowledge and skill and for this reason only. The pharmacist must then feel proud of his calling if he would keep it, and show this pride by aspiring and demanding of the public the rights and privileges now accorded other professions, such as law, medicine and dentistry. This does of course not mean that the pharmacist should or needs conduct his business in any way radically different from that now done by our best pharmacists. There will always of necessity be a large and important side to any calling, however professional it may be, that must concern itself with the actual handling and dispensing of commodities. He should, however, clearly recognize that the lawyers, doctors and the dentists are, like himself, also engaged in business, and yet they are considered members of a profession. He should also honestly admit to himself that they have and show a distinct professional pride while he stands vaguely by wondering if such a thing is really proper for him to have. The pharmacist should feel that in no essential does his calling differ from theirs except that his office is larger and the business side of his work greater and more obvious. His service to the public is no less on that account, and this criterion must be and really is the measure and definition of the word professional.

That pharmacy from the very character of the things with which it concerns itself must be a profession and really is one a majority of us sincerely believe, even if we are forced to admit that ultra-commercialistic tendencies are constantly gripping at our throats. The thing we utterly fail, or are loath, to see, however, is that a great deal of work and energy is needed in keeping pharmacy abreast

\*Read before the Section on Education and Legislation, Atlantic City, A. Ph. A. meeting.

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of the times—in making it evolve, grow and develop with the same rapidity that the profession of medicine now is doing.

I am not unmindful of the fact that our educational requirements have increased tremendously during the last two decades; that Boards of Pharmacy have constantly increased their requirements in examinations and that the time of apprenticeship has been lengthened. Perhaps along these lines no more can be expected of us than has actually been accomplished. Our weakness does not lie here but rather in our inability to develop a proper "esprit de corps" within our membership. We are not proud enough of the calling we have chosen to demand the rights and privileges that we should have as members of a profession. *It doesn't mean enough to us to be a pharmacist; to pass the State Board and then forget all about it is our present average professional desire and ambition.* A moment's reflection will suffice to show us that we cannot stop here if pharmacy is to be what we actually wish it to be.

*In no other single particular have pharmacists been more backward in asserting themselves and in no single instance has the forward march of pharmacy been so much retarded as by our present archaic system of Annual Renewal of Certificates.* Each first day of January sees an annual "whitewash" of the entire profession; each member then pays his dollar and a half, or somewhat similar sum, to the State and in return becomes for another twelve months a bona fide "brand new" prescription expert. Most of our States issue new "diplomas" annually, some only give renewal receipts. What a grand collection of these most of us have and how lucky we sometimes feel that our State Boards have kept their rates reasonable enough for us not to lose the privileges of following our chosen calling altogether, for, as things stand at the present time, should any pharmacist refuse to pay his annual due he is denied professional recognition entirely—professionally he returns to the oblivion from whence he came.

What permanence is there in pharmacy at the present time? We have to be precise just twelve months of professional tenure; but that is precisely all. On this short lease of professional life we can hardly expect to build up a strong and adequate brotherhood willing and capable of doing the work entrusted to it by the public. We have not felt the dangers which annual registration has constantly been leading us into in the past because the other professions have had lax requirements and have not been well organized, but to-day when they are forging ahead as never before, it behooves us to follow in their wake if we would successfully compete for our share of the young men of the coming generation who expect to enter the professions. And for our very first move in this direction nothing could possibly be of more value than to lengthen and make really adequate the at present ridiculously short registration period. To be annually at the mercy of any body of men, however fine and just these may be, can never be conducive to professional independence (it must, of course, be understood here that there is not the slightest thought to accuse the State Boards of Pharmacy of being responsible for the conditions here set forth). *We need State registration for life based on conditions similar to those now found in the practice of law or medicine and we need this even more than we need reciprocal registration, important as that is.*

The idea that it is the pharmacist's duty to help pay for examining the young men that enter pharmacy and to pay for the prosecution of violation of the pharmacy laws; in short, maintain the Board of Pharmacy, is wrong and puts a burden on pharmacists which members of no other profession have to carry. Reasonable fees should be collected when a candidate takes his examination, but whatever other expenses are involved in maintaining the machinery of a State Board

should be borne by the State which receives protection for its citizens by enforcement of proper pharmacy laws. These conditions now obtain in law, medicine, and dentistry. Is there any logical reason why they should not obtain in Pharmacy?

Permanent Registration is of far more importance than the mere nonpayment of an annual fee of one dollar and a half. The practice really robs the pharmacist of his professional standing. *As long as there is no professional tenure there can be no professional pride.* As things now stand, should a pharmacist decide to travel for a year or more and fail to receive his mail regularly, he might find himself no longer a pharmacist when he returns. He could, to be sure, take an examination, but why should he have to do this when he once has satisfied all requirements for practice? This practice robs the profession of its "esprit de corps" which is so essential to a profession, and we set about to correct it.

The whole movement for reciprocal registration, which has certainly done much good for pharmacy, is based on the fact that repeated examinations of a candidate once admitted to practice are unnecessary and useless where two States have equally rigid requirements. If the requirements for practice in two States are well regulated, if the examinations are thorough enough, the educational qualifications adequate, the time of apprenticeship definite in each, then why would a pharmacist be subjected to a new examination if he lives fifty or a hundred miles east or west of a geographical line and thus finds himself outside of the confines of the State in which he first took his examination? Such is the reasoning of the advocates of reciprocal registration and we all of us heartily agree. But witness the curious process we go through each year in order to keep ourselves, those of us who do not move out of the State, from taking repeated examinations. We ask the governor of the State to appoint a Board of Pharmacy. This Board in enforcing laws *for which we are largely responsible* then proceeds, as part of its duty, to say to us, "On the 31st day of December your license expires, you are no longer a pharmacist after that date. The years you have spent in acquiring the information you have, count for nothing as far as we or the public are concerned. If, however, you pay the sum of one dollar and fifty cents before such and such date we will reinstate you as a pharmacist, we will again give you the right to sell and dispense drugs and medicines, will put our O.K. on you for another twelve months, after which you must do the same thing over again. If, however, you do not pay up we discredit you entirely. We declare to the world that you have no right to sell drugs or dispense medicines." Legally you are now not as competent as your apprentice to be behind the counter. You have, however, one more chance to redeem yourself—that by taking another examination to prove that you have not deteriorated during the time that you were in financial arrears. *Being a pharmacist is very much like being a member of a union... You are O.K.'d if your dues are paid, if not, you simply are nobody.*

Now should this condition continue, are the years of service spent as apprentices, the college training we receive and the State Board examination we take, not sufficient for the State to declare once for all, when these conditions have been satisfactorily met, that we have the right to be called pharmacists and to practise our calling for life, subject to the rules of professional conduct similar to those now laid down for the lawyer, the dentist, the doctor and lately the teacher? I think they are, and it is our duty to see to it that these rights be given to us. There can be no doubt that the cause of pharmacy would be helped if we would ask our legislatures to pass such a law. The pharmacist could then take some pride in his calling. It would be a real vocation; it would be an incentive for younger men to strive for and make more of them anxious to enter the profession.

## DISCUSSION.

C. B. JORDAN: I would like to say a word or two with regard to this paper. I have read with a great deal of interest Mr. Nelson's first paper on this subject, read before the Kansas Association, and published in the *JOURNAL OF THE A. P. H. A.*

This is the situation—provided you pay your fee, you are O. K.—you can practise pharmacy. If you do not pay your fee, you do not know enough to practise pharmacy. Is it not the State's duty to support the Board of Pharmacy?—the State supports the Board of Medicine. It is not the amount of money involved, but it is the position in which it places the pharmacist.

A. B. HUESTED: There is no question as to the standing of the pharmacist. So far as the justice of the annual payment of the dues by the pharmacist to renew his license is concerned, there is no justice in it. It is practised simply because of the fact that the expenses of the Board of Pharmacy and the execution of the law must be taken care of. There is very little expense connected with the execution of the law which registers, or the Board which registers physicians, and that which registers dentists and that which registers lawyers. They simply take the examination and then pay a fee commensurate with the expense, and that covers all the expenses. Now, a pharmacist does not pay a fee sufficient to pay for the expenses of his examination and the enforcement of the law. The pharmacist has in the past, and from the very beginning, taken upon himself the expenses of the enforcement of the law. He is to blame for it as much as anybody else. I do not believe, however, he could get the state to pay for the enforcement of the law, although it ought to be done.

The question regarding the annual fee for re-registration came up in New York State recently. A licensed pharmacist refused to pay his annual re-registration fee, because he thought the same as the writer of this paper does, that he should not pay an annual fee, and it was brought up in Court and decided against him. I do not think there was any justice in the decision. I agree with the writer of this paper that there is an injustice in the payment of this fee, and the only way to get around it is to have the state provide sufficient funds, or raise the fee to pay the expenses. I do not believe, however, that you can get either of them done. I believe the situation will remain—that is, if the laws are carried out. It costs a great deal more to execute the law for the inspection of pharmacies and the regulation of them than it does in the profession of medicine, dentistry or the law.

H. V. ARNY: This is a point very well taken; namely, the absurdity of the fact that in a great many states, if a man does not pay his re-registration fee it automatically shuts off his brain, so that he has to take another examination. The idea is that since this re-registration is a tax pure and simple, if it is handled as a tax, the fellow that does not pay his re-registration fee on a certain day has to pay a double fee, or if he does not, I believe there is some action to be taken against him as a violator of the law.

The way to handle the subject is, not to claim that he is no longer a registered pharmacist, but to handle him as though he had not paid his taxes on time.

H. C. CHRISTENSEN: I believe that Mr. Nelson and others who take a stand against re-registration, or the payment of a fee for re-registration, labor under a misapprehension, or a misconception as to why that fee is paid. Speaking from the point of view of the Board of Pharmacy, and having been a member for a number of years where we have re-registration, I believe that there is no state where a re-registration fee is paid that gets enough money to support, or anywhere near support, the Board of Pharmacy. The particular reason for re-registration, as I see it, and as Boards of Pharmacy in general see it, is a matter of checking the pharmacist. That is, so that certificates will not be floating about and be used by others than those entitled to them, and I believe the time will come when dentists and doctors will see the benefit of that.

In Illinois, only two years ago, quite an excitement was created by the fact that it was found there were nearly three hundred dentists practising in Chicago on other men's certificates, and I venture to say that if it could be checked up, that number would be far exceeded in the number of physicians practising under dead men's certificates, etc.

Where a fee is paid on examination, say twenty-five or fifty dollars, or any other single

amount, that ends it, the Boards have absolutely no way of checking these registrations in later years. They could possibly, with the expenditure of a great deal of money, do so, but the payment of a small fee for re-registration yearly is the best protection to the pharmacist himself.

I realize that in one state, at least, the law is such that if a man moves out of the state he loses his registration. I do not think that right, but I think that applies whether he re-registers or not. When he moves from that state he ceases to be a registered pharmacist. That is absurd. I think we will all agree upon that. If you will look into that matter with a view as to why that fee is paid, I believe you will find it is a benefit instead of a detriment to the pharmacist.

A. W. LINTON: Referring to what Mr. Christensen has said regarding the amount in any state not being sufficient to pay the expenses. In Washington the pharmacists pay two dollars for the annual registration, and that is collected by the secretary of the Board, and he cannot spend one cent of that for the expenses of the Board or for any other purpose. It goes into the State Treasurer's hands. The legislature then appropriates a certain sum of money for the Board of Pharmacy. In the last few years the sum appropriated by the legislature has been considerably less—I believe last year it was several hundred dollars less than the amount paid in by the pharmacists for re-registration, including other fees collected by the secretary of the Board—shopkeepers' licenses, etc. Here the pharmacists are getting rather an unjust deal, as they are not only paying all the expenses of the pharmacy law, but are paying money also for the general running expenses of the state.

J. C. WALLACE: I heartily agree with Mr. Christensen in regard to the check provided by re-registration. It is the only way in which it is possible to get a complete record of the pharmacists who are entitled to practise. We know in our state that many certificates have been hung on the wall, and that people who were not qualified were practising under the certificate of a man occupying six feet, due east and west.

The question as I see it, is that I have never been able to understand why a Commonwealth—take, for instance, the Commonwealth of Pennsylvania, would not appropriate money for the enforcement of the pharmacy laws which are for the good of the whole people, but brother Walton here will bear me out in the fact that it is more like pulling teeth than anything else you can imagine to get an appropriation. We have tried year in and year out.

The hardship, as I see it, in the question, is why a young man who wishes to be a drug clerk, or, as we would call him in Pennsylvania, a Qualified Assistant, should be taxed with any fee for the enforcement of the law. But I am thoroughly and heartily in favor of registration at least once a year upon the payment of a small fee in order to cover the cost of it.

C. J. CLAYTON: It seems to me that aside from the protection of the people, for which pharmacy laws are primarily designed, they should also stand for protection for the reputable and qualified pharmacists. Speaking for myself, I do not think it is a burden to pay two dollars a year, or a larger sum, to protect myself against the encroachment of unqualified men. I am perfectly willing to pay for a renewal every year to take care of that matter. We are deriving a large measure of benefit from the pharmacy laws, and I do not think we should object to the payment of a small fee for defraying the expenses.

F. E. STEWART: I think that what Mr. Clayton has said is largely the crux of the whole situation.

While sitting here, I have asked myself the question—What is a Professional Pharmacist? I would like to have that thing adopted, so that we could know what we are talking about.

I agree with much of what the last speaker said. Pharmacy laws should protect the pharmacist as well as the public by protecting the license to practise pharmacy. But what is pharmacy? What do we mean by a *profession* of pharmacy? Are we not using the words pharmacy and profession very loosely? My idea of a profession of pharmacy is this, namely, a profession of pharmacy consists of a fraternity composed of persons educated, trained, and licensed to practise the arts of selecting, preparing, preserving, compounding and dispensing medicine to meet the demands of a rational drug therapy. As the practice of rational drug therapy requires a medical education, it is evident that the practice of pharmacy is dependent, in the main, upon the medical profession, and should be practised in co-operation

with the physician. Co-operation with the physician can never be secured until the medical and pharmaceutical professions adopt rules for such co-operation—rules for the guidance of physicians and pharmacists in their relations with each other and the public at large.

These rules must contain provisions relating to the prescribing of medicines by pharmacists without diagnosis—rules relating to *materia medica* monopoly which bear upon the professional obligation requiring members of the profession to donate the results of their researches and experience to the common fund for the benefit of the profession and pharmaceutical science—rules relating to the advertising of medicines—and rules relating to other subjects concerning the handling of drugs as therapeutic agents.

The license to practise pharmacy should protect the pharmacist as well as the public. But it should be remembered that the license to practise is in the nature of a contract between the pharmacist and the public. According to the terms of this contract the pharmacist should promote the public health by practising in harmony with those professional and scientific requirements necessary to protect the public, and refrain from practices inimical to the public health.

Are we perfecting our pharmacy laws along the lines just indicated? If so we have a right to demand that the public shall protect the license to practise pharmacy. We have a right to demand legislation to prevent the invasion of the field of practice by unlicensed practitioners. We have a right to demand that the public shall pay for enforcing such laws and not tax the pharmacist for money to enforce them. But we must protect the public from ignorance and greed in our own ranks, and render to the public the professional service which we are licensed to perform.

I think that if the pharmacists would get together on these questions, we would soon be able to have laws passed and the public would support them, as Mr. Clayton said, to protect the licensed pharmacist from encroachment upon his field.

E. G. FINE: I think Mr. Clayton hit the nail on the head when he said the pharmacy laws were for the protection of the pharmacist. I think if we will look up their history, we will find that these laws came, not as the result of a demand on the part of the public or through a desire on the part of the legislature to pass such laws, but because the pharmacists demanded these laws as a protection, and because the legislators were not sufficiently enthusiastic, the druggists themselves were willing to shoulder the burden themselves.

L. E. SAYRE: I differ with the last speaker and the others, but I think we could come to an agreement in that direction. I think there is a difference between theory and practice. I think Mr. Nelson in his paper is urging this fact, that by the present process of requiring the pharmacist to re-register every year in order to maintain his dignity as a pharmacist, he thinks that is wrong. I do, too. I think, on the other hand, that for the execution of the law, it is practically necessary that this should be done, because the legislatures, as a rule, will not appropriate money for that purpose.

Still, the fact remains that it is unfair to have a man thrown out of the profession, simply because he happens to forget or for some other reason neglects to pay his annual dues.

I want to object to the point just made by Mr. Clayton, and others, that these fees are paid for the purpose of the protection of the pharmacist. That is not true. The fees are for the protection of the public, and the public should bear the expense. I believe that we should have a fee for registration, but I believe that the ideal method is the one that Mr. Linton has just spoken of; that the funds should be given into the state, and that the state should bear the expenses of the Board. I think it is wrong that the pharmacist should pay an annual fee in order to get professional recognition. If I do not pay my dues at the end of the year, on the first of January, I am no longer a pharmacist. Theoretically I am no longer a pharmacist, but in December, between Christmas and up until New Year, I was a pharmacist. After New Year, I am not.

The point Mr. Nelson makes is just that. I think we have to view this from the standpoint of the public. We are legislating for the public good and the public should pay the expense.

C. O. BIGELOW: The state from which I hail has some notoriously bad laws on its

statute books, but I think we have a most excellent pharmacy law, and I think it behooves the pharmacists of some other states to copy some parts of our law.

We tried out, some years ago, a system of re-registration for pharmacists. We classified as pharmacists, the clerk and the proprietor and anyone licensed by the Board of Pharmacy to practise pharmacy. In some of our sister states they have bi-annual registration for all clerks and proprietors; some tri-annual. We came to the conclusion that it was a great hardship on the clerks to require them to re-register and pay a fee of one or two dollars, as it was at that time, and we had our law amended so as to register the store and not the pharmacists, and if a pharmacist fails to register his store during the month of January, he is proceeded against by the Board of Pharmacy and haled to court and fined, and after he has been fined once or twice he is apt to pay his annual fee of \$2.50 promptly.

We have very little trouble in collecting the fee of registration of the stores. The blank that is sent out in December by the Secretary has a space for the entering of the names of all the registered employes in the store; those who are unregistered and other employes who occupy any position in the store. In that way the Board of Pharmacy can keep track of any apprentice who is registered by his employer, and after he has taken his course at college and has had the necessary experience and age, and goes before the Board for examination, they have a record of the apprentice and the time he entered the pharmacy.

We consider that a very just law. It does not work a hardship on the pharmacist; there is no friction; there is no irritation; and the rights of the pharmacist to practise pharmacy are not taken away from him. Eventually, they might be, if he failed to pay the fine imposed upon him. They might in that case revoke the license—not only his store license, but his license as a pharmacist. We have had cases where we have taken away licenses for various breaches of law.

We find it works splendidly, and we would not go back to the old system for anything whatever.

F. W. MEISSNER: Most of our pharmacy laws were passed prior to any prerequisite laws, and at the time the pharmacy laws were passed, you could not legislate anyone out of business who had the slightest claim as a proprietor of a drug store—whether he was a travelling man, or ran a peanut stand, and was a part owner of a drug store, he could register as a fully registered man, and for that reason the registration was very important. This gave an opportunity to the Board to eliminate just such men who were registering and were yet incompetent.

In our State, Indiana, we rather looked upon that feature as a desirable feature, because we knew, at the time the law was passed, many people were registering who were entirely unfit, and who merely claimed for the day to have an interest in a pharmacy. I know of one store, of my own knowledge, from which five men were registered and only one was competent. In due time we were able to eliminate them.

I do claim that this feature of bi-annual registration is a very desirable thing, and these states who have not yet seen fit to enforce the pharmacy law, or seen fit to maintain it, will soon see the light as we have in Indiana.

We asked for the law in Indiana. We could not induce the legislature to pass the law, because it would be matter of expense and we said that we would bear that expense. All those who registered would pay so much each year or every two years. Therefore, there would be no expense or burden to the state. We realized at that time that the state ought to carry it. Essentially the law was for the benefit of the public, and incidentally for the protection of the pharmacist.

Last year our legislature appropriated five thousand dollars for the enforcement of the pharmacy laws, but we still retain the bi-annual registration.

D. W. RAMSAUR: In a majority of states annual renewal is the only safeguard, the profession would be in a chaotic condition were it not for the annual registration. The professional pharmacist does not object to this nominal fee. He knows it is for his protection, as well as for the protection of the public.

L. E. SAYRE: I would like to ask one question. Suppose a state should appropriate enough money to carry on the expenses of the Board, don't you think you could get annual registration just the same? It is not a question of registration; it is a question of being fully recognized as a pharmacist. That is the point. Do not lose sight of that. The point is that you have to pay a fee to be recognized as a pharmacist.

H. C. CHRISTENSEN: What is protection for the pharmacist is also protection to the public. More so to the public than to the pharmacist. If your pharmacists are not protected to the extent that pharmacy can be kept clean, then your public is not protected; in any state where you are unable to get legislation to enable the Board to carry on that cleaning process, I believe that the pharmacists themselves are perfectly willing to pay that fee, and I hope, as Mr. Ramsaur has said, that the impression will not be allowed to go out that the pharmacists are opposed to paying this fee.

I do not believe it is the intention to take from the pharmacist his standing as a pharmacist. It is simply a matter of checking for his own protection, and for the protection of the public.

CHARLES S. KOON: One point that was brought up in the paper and, I think, was touched upon once or twice since, was that a person who did not pay his renewal fee was a pharmacist only until the thirty-first of December, and on January first he ceased to be such. If the laws of the other states are like those of Michigan, there is a provision for reinstatement. A person does not necessarily lose his standing as a pharmacist. All he has to do is to pay his re-registration fee with, perhaps, a small fine, and he is reinstated. In that way, we do not lose anything. Simply our right to practise pharmacy until we are reinstated.

In some states teachers are required to pass an examination every year. In Michigan the third grade school teacher is required to come up every year for examination in order to get his or her certificate renewed. Nothing of that kind is required of the pharmacist in order to get his certificate renewed. You do not lose your standing as a pharmacist.

C. B. JORDAN: I would like another chance to speak on this subject. I agree that registration is a fine thing when you cannot get an appropriation, but I think that it is pretty nearly time that the pharmacists should get that appropriation. Why should we have to pay for the enforcement of a public law? By all means, pay the fee until we get the appropriation, but get the appropriation as quick as we can.

In Indiana we have the appropriation. The Board appoints three inspectors to go over that state and visit drug stores and find out whether they have registered men in charge. Not until we got the appropriation did we have inspectors to find out whether the man next door was registered and whether or not his assistant was a registered man.

F. W. MEISSNER: We had to work gradually in securing the appropriation, but now the public itself demands registered pharmacists in drug stores of Indiana, and therefore it was comparatively easy to get the appropriation. If all the other states will work along that line, there will be no difficulty in getting appropriations.

M. I. WILBERT: We have been talking about two separate things, in reality, and we have lost sight of the more important feature that if the public is protected, the public ought to pay for it. The public should pay for the protection of the public, and when, by systematic inspection of drug stores, etc., protection is afforded, the public should pay for it, and they will pay for it just as soon as they see it is going to get the protection they have a right to expect.

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