

CABINET GOVERNMENT AND PHARMACY.*

BY JOHN CULLEY.

Prior to the year 1788 a cabinet form of government was unknown. It was during that year that a number of the world's bravest, brightest and farsighted men met in Philadelphia and after endless deliberations, trials and tribulations, produced the world's greatest and most important document—a constitution which provided for the republic of the United States of America. This republican form of government as outlined is a cabinet form of government, for the constitution provides that the president, with the approval of congress, shall appoint heads of departments to cover the various fields of activity within the realms of national government. These heads of departments constitute what is called the cabinet. It is presumed, and no doubt is true, that the President in his great wisdom and for the welfare of his government and its people would select for appointment as members of his cabinet, who serve as heads of the several departments, men who are best qualified by knowledge and training in the particular field of endeavor in which they are to work. It was contemplated that a cabinet officer in making his selections of men to fill subordinate positions would exercise like judgment.

WHAT THE CONSTITUTION GUARANTEES.

Therefore, with the organization in force, the President desiring to deal with any important governmental matter would call into conference the cabinet officer whose department covered that particular field of activity. If the question is of such importance as to involve a national or international issue the entire cabinet is called into consultation. When a course of action is determined upon as a result of these conferences of the president and his cabinet officers, the matter of putting into operation the plan outlined is carried on through the regular channels of enacted law.

This is a concise outline of our cabinet form of national government.

Section 4 of Article IV of the Constitution of the United States reads: "The United States shall guarantee to every state in the union a republican form of government."

The republican form of government is essentially a cabinet form of government.

This republican or cabinet form of government never seems to have appealed to the various states, as they are all inclined toward what may be termed a commission or board form of administration. This commission or board form of government has been tried at various times in a national way but has never been successful.

The greatest minds of our time were against it. Alexander Hamilton says: "Boards in my opinion are a bad plan." Lincoln is quoted as saying: "I have done with commissions; they are contrivances to cheat the government."

The National Government has found by experience that the more they deviate

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from the fundamental cabinet form of administration the more inefficient and less economical they become.

ELIMINATION OF BOARDS LOGICAL.

The state government organized and conducted as a cabinet form would eliminate all boards, commissions and other like agencies that are said to be injurious to good government.

Strange to relate, no state government availed itself of its constitutional right and privilege of self-government in the cabinet form until Governor Lowden proposed it to the legislature of the state of Illinois and it was enacted into law in March 1917.

This law, called the civil administrative code, was introduced in the interest of economy and efficiency and reorganized the greater part of the administrative machinery of the state by consolidating the functions of some 130 boards, commissions and agencies previously independent of each other into nine departments—agriculture, finance, labor, mines and minerals, public health, public welfare, trade and commerce, public works and buildings and registration and education.

The heads of these nine departments constitute the governor's cabinet, which is analogous to that of the cabinet of the President of the United States.

It was contemplated by the framers of this law that the governor should follow in the footsteps of our President and appoint cabinet members who will act as heads of the various departments, men who are well qualified by knowledge and training in the particular department over which they will exercise jurisdiction, and, moreover, they shall be men with more than the average of executive ability and managerial capacity, and, further, the cabinet officers will exercise that same judgment in appointing their subordinates.

A state having 100 boards and commissions—and many states have more—will have that number of agencies administering the law and overlapping work enormously. Every board is a law unto itself. It initiates legislation in its own interest, it is burdened with executive powers, judicial affairs, police and inspection duties and law enforcement of various kinds, and in addition must take care of the clerical duties incident to keeping up such an office. These boards may be very efficient in carrying out their own particular work and perhaps in most cases economical, but these various and varied duties saddled onto the several hundred boards are misplaced. These powers were intended to be and should be placed in the hands of the chief executive of the state and administered through the heads of the departments as practiced nationally and as outlined in the Illinois law.

CONSOLIDATION GAINS IN POPULARITY.

The consolidation of boards as a measure of administration of state affairs is fast becoming popular, as at least ten states have adopted that plan and many more are striving for it.

Under the consolidation plan, where the executive powers, various functions pertaining to law enforcement and all clerical duties are handled through a central office under the direction of an efficient officer, the examining boards can devote themselves to their main business, as originally intended, that of examining and

passing on the fitness of applicants to practice their profession, trade or occupation for which a state certificate of registration is granted.

Now let us see how the consolidation plan affects pharmacy in particular.

It is also said by those who have made an exhaustive study of both national state forms of government that our state governments are weaker, less economical, more inefficient, less effective, more chaotic, just in proportion as they have deviated from the cabinet form of administration as adopted by our national government.

Boards of pharmacy have been particularly blessed in being non-partisan. With few exceptions the members have been appointed for their ability rather than for their political affiliations. Under the new system of law there is great danger of politics entering into appointments.

Influential workers of the winning party are mighty touchy when it comes to the distribution of political plums and if they are not allowed to select henchmen of their own they are apt to retaliate by preventing the formation of a good department. As the governor of the state is held responsible for everything done in the departments, he should not be compelled to appoint mere politicians to positions when men of ability are needed. If the governor is able to make wise appointments for heads of the departments his success and the success of the departments are assured and the interests of pharmacy will not suffer.

Every state in the union has a pharmacy law more or less built on the same lines and with which we as a class are more or less familiar. Under the Administrative code, as a measure of administration of state affairs, the law as it affects the pharmacist at large and the public generally is not materially changed. It is merely the standing of the board that is affected. The preliminary and prerequisite educational requirements necessary for one to have before being permitted to take the examination or to practice his profession remain the same as outlined in the original law. The safeguards regarding the handling of narcotics and poisons remain as originally incorporated in the law. The high standards of examinations and gradings remain as heretofore. The reciprocity features as outlined in the National Association of Boards of Pharmacy are still in force; if provided in the original law and if effective by means of by-laws the head of the department has the power to re-enact them and place them in force.

TESTING THE FITNESS OF APPLICANTS.

The only change of note from the old condition of affairs to that of the new method is the placing of all the powers and functions of the pharmacy board, with the exception of the examination features, in the hands of a department of state government whose head officer is designated by the various states as director of registration, director of licenses or director of law enforcement.

The actual duties of testing a person's fitness to practice his profession by means of examinations now becomes the sole duty of the board of pharmacy, as it is of all other boards coming within the meaning of this act.

As stated previously, the original law of this character was introduced in the state of Illinois. It was built to harmonize and coordinate with the existing laws as they appeared on the statutes of that state. Other state governors who desired to have such a law enacted in the states over which they rule have taken from the Illinois laws portions of the statutes that appealed to them, have added thereto

and subtracted therefrom sections of the law that in their opinion were best suited to their own states, with the result that their law is not apt to work out as expected and as it does in the mother state for the simple reason that not all pharmacy and other laws affecting the professions are alike in all states.

As an example, some states have given the board of pharmacy the unusual power of making rules and by-laws for the enforcement of the pharmacy act and of setting standards for educational qualifications. These rules and by-laws by virtue of the powers reposed in the board of pharmacy have become common law, although not on the legislative statutes of the state.

The passage of the administrative code automatically suspends all such by-laws and rules of the board and the uplift work of many years is very apt to be in danger. However, the law gives the same power of formulating rules to the head of the department and if he is the right kind of man and has the interests of pharmacy and the public at heart he will re-enact the rules, regulations and by-laws which have been established by the former board of pharmacy.

STABILITY DESIRABLE IN EXAMINING BOARD.

The passage of this law also automatically abolishes the existing board of pharmacy and places the appointment of the members of a board of examiners to take its place in the hands of the department head, instead of coming as a state commission from the governor, as formerly. Incidentally, the term of office of board members is now made indeterminate, depending on the whim or pleasure of the director of the department.

Every one in the profession realizes the danger of too frequent appointments on an examining board. It takes years to qualify a member of a board to become really a proficient and scientific examiner, no matter what his previous education and experience as a pharmacist may have been. Any one can ask questions but it requires an expert to ask a scientifically constructed question that will really determine the knowledge and fitness of an applicant for registration to practice his profession.

Few states pay to the members of a pharmacy board a compensation commensurate with the work performed or expected but demand men of high scientific attainments, executive ability and education above the ordinary, and incidentally the very valuable time of usually very busy men. The members of a pharmacy board serve their term of office not for the monetary consideration obtained, but for the sentiment held for the profession—a desire to do their duty to the state, help their fellow pharmacists and protect the public, and last, but not least, for the honor, the glory and dignity of being a member of a state board and being the appointee of a governor.

Even the honor and dignity of having the name of "board of pharmacy" is now denied the profession in most cases, as the code law calls it by the undignified term of committee of examination.

Formerly, members of the board, being responsible by law for the high standards of examinations given and the qualifications required of applicants, issued and signed the certificates of registration as a mark of authority and responsibility. The new order takes away this dignified privilege and requires the director of the

department to issue and sign the certificate, but holds the examiners responsible for the applicant's proficiency.

MOST OF HONOR AND DIGNITY TAKEN AWAY.

Take away the honor of being the governor's appointee, the dignity of signing the certificate while being held responsible for the same, the lack of definite terms of appointment, the abolishment of all executive powers, take away even the name of the board, and what is left? The empty honor of being privileged to give an examination to applicants and certify the results to the director.

In some states having this code of laws, the examining board is not even the final arbiter of its own work, as the law gives the director of the department the power of ordering another examination and with a new board if in his judgment the examination was not what he considered a fair one.

This provision is a strange one, as practically all the code laws specifically state that the head of the department shall not be a member of any of the professions he represents.

The provision is not in all the laws, however. The Illinois law specifically states that the director of the department shall exercise all the rights, powers and duties vested by law in the state board of pharmacy, but qualifies it by saying: "None of the duties and functions of the board shall be exercised by the department head except upon the action and report in writing of the appointed board."

If this latter clause were incorporated in all the new consolidation measures, little trouble and but few serious changes from former methods would result.

Pharmacists to-day stand in a most enviable position, in a class distinctly by themselves. Practically every law in the nation affecting the practice of pharmacy was placed on the statutes by the pharmacists themselves, wholly for the safety of the public and for its protection from incompetents, and not for any selfish motives or particular benefits for the pharmacist himself.

Even the necessary funds for the enforcement of the pharmacy laws are provided by pharmacists in the shape of examination fees and annual dues. Pharmacy laws are a financial asset and not a liability to the state as most other laws are which concern the professions.

After all pharmacists have done for the elevation and advancement of the profession and the protection of the public, the honor, the dignity of the work is taken away. Is it any wonder that the profession as a class seem grieved at the new order of things?

It must be admitted, however, that this revolutionary, or perhaps evolutionary, idea of consolidation of administrative forces is a progressive one even though it goes back to our national government for the idea. The changes in administrative form while seemingly drastic are not so very serious after all. They touch our pride rather more than our principles.

As time goes along and portions of the measure prove impracticable or not satisfactory a thorough discussion of the objectionable features together with recommendations for improvements can take place at the state association meetings and incorporated in a communication to the governor of the state, and as he has the welfare of the people at heart it will be sure to receive full and due consideration.

Lastly let us not forget two fundamental propositions: "In organization there is strength," and "Ask and thou shalt receive."