

THE NEED FOR UNIFORMITY IN LEGAL REQUIREMENTS FOR REGISTRATION AS PHARMACIST.*

BY H. C. CHRISTENSEN.¹

Chairman Jenkins heard a paper that I read before the Joint Meeting of the Boards and Colleges of District 2 in March, and requested me to read that paper to you at this meeting of the Section on Education and Legislation. However, I explained that inasmuch as the paper read to District 2 dealt, primarily, with the problems in legislation and board interpretations in that district, it would not be appropriate for this body, but promised to re-write the same to apply to the country as a whole, which I have done.

There might be any number of reasons given for the need of uniformity, but the position I am taking is with regard to its relation to reciprocity in pharmaceutical licensure. Also, the term "legal requirements" might be limited to the pharmacy law provisions, but I am using it in the larger sense and including board rulings, regulations, opinions, etc., which are necessary in the interpretation of the requirements of the law.

The National Association of Boards of Pharmacy in the very beginning of its existence faced the fact that there was great variation in the pharmacy laws of the different states. A method of reciprocity had to be established which would permit the registration of competent pharmacists of other states, and yet prevent those in training in the home state from going elsewhere to register, where the qualifying entrance requirements appeared to be more attractive to the applicant and then, later, using such registration as a basis for reciprocity with the home state—commonly termed "evasion."

To circumvent this, the following basic rule for reciprocity was adopted: "The applicant must have had the legal qualifications at the time of registration in the state *from* which he applies which would *at that time* have enabled him to qualify for examination and registration in the state *to* which he is applying for reciprocal registration."

Keep in mind that this is a National Association of Boards of Pharmacy ruling. The laws of only a few states contain it as a part of the reciprocity clause. Its principal merit is that it makes reciprocity possible without infringing on states' rights, as the qualifications of the *individual* are made the basis for reciprocity. Making the requirements of the *state* the basis for reciprocity is not practical, as scarcely any two states have exactly the same requirements. While some reciprocity clauses in state laws read "equivalent standard of registration," with only one or two exceptions, the boards interpret this to mean the standards in effect *at the time when the applicant originally registered* which, liberally interpreted, is practically the same as the basis of the qualifications of the applicant, namely, the basic rule.

The greatest variation at present in examination entrance requirements in pharmacy is in the amount of practical experience specified. Originally, four years of practical experience was the generally accepted basis and a majority of the laws are still figured on that basis.

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Much of the variation as it now exists is due to different methods of computing and crediting college time. Some states give a flat credit of one calendar year for each term in college, others eight months, still others nine months. During the two-year course, this variation was not so noticeable but when figured on the three-year basis, difficulties arise. For example: Iowa, Nebraska, Ohio and several other states give a full calendar year credit for college time. In other words, the candidate for examination must qualify with one year of experience in addition to graduation from the three-year course. The majority of states give a credit of nine months for each college term, or twenty-seven months for the three-year course, thus making the experience requirement twenty-one months. However, in a number of states the law specifies that the minimum of experience required in addition to college shall be two years. New Jersey, and possibly a few other states, only give eight months credit for the college term. In such cases, the two-year minimum also applies.

From this it can be seen that a registrant of Iowa, for example, who is a three-year graduate and at the time of registration had only one year of practical experience, will be barred from reciprocal registration in Illinois, New Jersey and these other states which require a minimum of two years of experience, as he does not comply with the requirements of the basic rule, namely, he did not have enough experience to be eligible to sit in examination in New Jersey, Illinois, etc., on the day when he took and passed the Iowa examination.

The District of Columbia and Pennsylvania have laws which specify a minimum of three years of experience, in addition to college graduation. In the case of the District, however, the proviso in the law permits the board to use its discretionary power in giving credit on the experience requirement for college *attendance* (not experience concurrent with college) and thus there has been no difficulty on reciprocity.

Pennsylvania has a similar *three-year* experience requirement in addition to college graduation. Yet, strange as it may seem, Pennsylvania registrants have been refused reciprocal registration in Illinois and other states, for insufficient prior experience, where the requirement is a minimum of *two* years of experience. The difficulty is that Pennsylvania gives credit for experience concurrent with school time, and no other state will recognize such experience.

Most states require a four-year training period, giving credit thereon for college attendance as previously explained; therefore, allowing college credit and experience credit concurrently would be giving double credit for such months. The Pennsylvania law, however, does not specify a four-year training period as do most other states, but prescribes the three years of experience in addition to college graduation, thus separating the experience and schooling, with no credit for college attendance. The board, however, allows four months of credit for part-time experience during the college term and four months of credit for full time experience during vacations. This gives eight months of credit, which only has a value of three months in those states on the flat four-year training period, inasmuch as the maximum credit there would be three months for vacation, as nine months has already been allowed for college attendance one term—thus Pennsylvania credits five months in each of these years which other states cannot count. In other words, at the end of the three-year course, such Pennsylvania

applicant has fifteen months of experience which does not count elsewhere. Deducting this from the thirty-six months required by Pennsylvania leaves only twenty-one months of actual full time experience recognized by other states. It has already been called to your attention that twenty-four months is the prevalent experience minimum, on which the Pennsylvania applicant falls three months short. And, paradoxical as it may seem, Illinois registrants have been denied reciprocity in Pennsylvania because of insufficient prior experience. This also applies to other states on a four-year training basis with a two-year minimum experience requirement. These registrants can show two years of full-time experience, but as many of them did not work during the college term, Pennsylvania cannot give them any credit for college attendance inasmuch as its law distinctly separates college graduation from experience. Such applicants are short one year, as Pennsylvania requires three years of experience in addition to graduation.

This is about the best example I can give of a law entirely satisfactory in all respects within the borders of a state, yet creating difficulties for the registrants of that state when they desire registration elsewhere. It shows the necessity for uniformity in legislation. The board of pharmacy can do nothing to alter this injustice as long as it remains in the law, inasmuch as it is the duty of the board to enforce the law as it is written.

Also, the provision in the laws of Georgia, Mississippi, Virginia and one or two other states, which admits college graduates to examination without any prior experience is out of line. Such registrants would be barred reciprocally from all states that require any experience in addition to college. In Virginia, the board advises candidates for examination to this effect and thus alleviates the condition somewhat.

The word picture I have given is rather gloomy. However, there is a brighter side which should, in fairness, be stated. A large majority of the candidates who register have *more* than the minimum experience required by the state in which they register, and thus the reciprocal difficulty is cut down somewhat.

There are also inconsistencies in other matters that have relation to practical experience. For example, some states count experience after the fifteenth birthday, others after the sixteenth, and still others have no definite age limit. This presents complications. Some states require that a minimum of one year of the experience must be in the United States; others two years. Some states credit time in an approved hospital, others give credit for a limited amount, such as one or two years, others give no recognition. Some give credit for Army and Navy experience in pharmacy; others do not. When these minor details are not written into the law but are left to the board to rule upon, they can readily be changed to conform with the prevailing rule in the majority of cases. However, in too many states these details are specified in the law, and all that the board can do is to abide by them until the law is amended. Proposing an amendment is sometimes risky business, as it permits opposing factions in the legislature to put through other amendments, which may do great harm to the law.

There is also need for uniformity in other matters besides the practical experience requirement. A few boards still are compelled to admit candidates to examination at the age of eighteen on account of the law of the state, the prevailing requirement being twenty-one years of age. Such candidates are barred

under the basic rule, inasmuch as they were not eligible for examination in the recipient state on account of age. This does not apply, however, when the board examines in written subjects only, and withholds issuance of license until the practical examination has been given and all requirements fulfilled.

The dating of diplomas and licenses also causes friction and frequent rejection of reciprocal applicants. Boards, in order to accommodate graduating classes often give the examination before the formal graduation exercises when the diploma is awarded. In such cases, the state license should be issued as of a date subsequent to the diploma date. If dated prior to the diploma, the candidate is not technically and legally a graduate. He can be denied reciprocity under some laws, because he was not a graduate on the date when the original license was issued him. If the boards and the colleges will pay particular attention to this point, much difficulty can be avoided.

College and board members, state legislative committees, and pharmacists generally, in their zeal for new laws and amendments often overlook the importance of keeping the same more or less uniform with respect to other states. Each group naturally concentrates on its particular interest and sometimes overlooks the general welfare of registrants as pertains to reciprocity. Colleges sometimes have more influence than board members in securing the passage of new legislation. And since there are college representatives present at this meeting, let me ask them to assist us in this work. A number of state laws plainly show the zeal of the colleges in working for the prerequisite, which is commendable, but the laxity in writing the experience requirement, or omitting it entirely, means many hardships in later years for graduates who seek reciprocal registration. While many of the colleges may doubt the efficacy of the experience requirement, until such time as the movement to discontinue it is general, its omission from a law will work more hardship than good. The college should assist in making it possible for its graduates to practice in as large a field as possible. Reciprocity is by now an institution which should be protected in all laws. There is a recommended standard of requirements which years of experience have proven fair and workable. Deviation therefrom causes much confusion and annoyance to registrants by curtailing their reciprocal privilege and the state gains nothing by refusing to conform on these minor details.

I believe I have set forth the need for uniformity in the legal requirements. The next question is how can we bring this about when so many conflicting laws are already on the statutes? The National Association of Boards of Pharmacy since its inception, as specified in its constitution, has had as an object "a uniform standard of pharmaceutical education and uniform legislation." Time and patience are required to accomplish this object, and keeping constantly at it. Yet when I glance through our proceedings for 1911, as I did the other day, and compare the standard in effect then with the present standard I can see how much has been accomplished. The National Association of Boards of Pharmacy did not adopt an aggressive policy on legislation until 1914, when the central office was established and a definite effort was made to render legislative assistance to all states contemplating new laws or amendments pertaining to pharmacy.

Comparing the requirements of 1911 with those of 1930 may prove interesting:

1911.

2 states, college graduation and experience
 1 state, college graduation only

5 states, 5 years' experience
 31 states, 4 years' experience
 10 states, 3 years' experience

1930.

31 states, college graduation and experience
 2 states, college graduation only
 3 states, college attendance and experience
 1 state, 5 years' experience
 8 states, 4 years' experience
 4 states, 3 years' experience

Thus it may readily be seen that many changes toward uniformity have taken place, and by concerted effort, uniformity is possible. Twenty years have brought about a remarkable change. Much more along this line should be accomplished during the next ten or twenty years, if we all work for the same goal.

Right now the question we are trying to answer for the boards is, "How much experience shall be required of four-year graduates?" inasmuch as the four-year course becomes effective for matriculation in 1932. The consensus of opinion seems to be that one year is right. There is a slight division of opinion as to whether this experience shall be required as an internship after graduation, no other experience to count, or whether merely proof of 12 months of retail pharmacy experience shall be sufficient, nine months of which can be obtained during the three summer vacations. The object of the former is to provide for pharmacy a period of internship such as dentistry, medicine, and the other professions have. The one advantage is that it would do away with questionable experience, as affidavits present opportunity for fraud. The period of apprenticeship would be served in an approved pharmacy, recorded with the board, where prescription work is done daily and a registered pharmacist is in charge. The board would examine the candidate in the theoretical subjects immediately upon graduation, register him as an apprentice and after his year of internship has been completed, have him return for the practical examination in compounding and then grant him a license as registered pharmacist.

Under the four-year course, a great many laws will have to be amended, as it is obviously unfair to require two or three years of experience in addition to graduation from the four-year college course. Therefore, since we are going to the legislatures to change the laws anyhow, it seems a wonderful opportunity to get all our requirements more or less uniform and in harmony.

As soon as a decision is reached on what the recommended standard shall be,¹ let me urge all of you to cooperate with us in reaching that goal in every state by the time the first classes graduate under the universal four-year course in 1936. The date seems far off but with the present legislative congestion, two or three sessions may be required in some states to enact the amendments. What a wonderful thing it would be for pharmacy if we could have every state on the four-year course basis with a uniform experience requirement by 1936, when the first class graduates. Certainly it is worth working for.

ABSTRACT OF DISCUSSION.

The author said that the candidate would have three vacation periods of three months each which would give him nine months during his four years at college. It seems a fair proposition

¹ The N. A. B. P. convention disapproved the internship plan. Approval was given to the year of experience in addition to the four-year course, with no limit as to when experience is to be obtained.

that he be given credit for this period. It would not work a hardship on the student and the college could back up this proposal. It would be a compromise between the colleges who have advocated "no experience" and the pharmacists who want more; the pharmacists of all states should work together on this matter. In addition to college graduation there should be a "clean-cut" year of experience whether the experience is obtained prior to entering college, during vacation periods or after graduation.

John R. Minehart said that what Secretary Christensen had reported should interest everyone concerned in pharmacy. In Virginia they have done away with the experience requirements altogether. Personally he would like to have three years of experience, but there must be "give and take" and he doubted if the mortality in Virginia would be any greater without experience than if three years of experience were required. This is a matter that should be considered very seriously.

Charles T. Heller said that in Minnesota the one year of experience in addition to graduation had been adopted.

The author replied that at least eight states have changed their laws within the last two or three years.

U. S. P. AND N. F. PREPARATIONS FIT FOR BEVERAGE PURPOSES.*

BY W. BRUCE PHILIP.

Pharmacy is a good, clean profession. It is true that the responsibilities placed on the pharmacists by the Government have given to a few weak members an opportunity to forget our high ethical standards and to bring discredit on themselves. Their discredit has been felt by all of us.

The prohibition law is one of our great problems. As these laws are often made and enforced by persons not trained in pharmacy or medicine, we should watch closely the enactment and enforcement of all laws of this character.

Regulation 2, being a revision of Internal Revenue Regulation No. 60 has been effective since October 1, 1927. This regulation interprets the 18th Amendment to the Constitution of the United States and the National Prohibition Act (41 Stat. 30S). It is the Government's guide for pharmacists.

Article XI, Sec. 112—(Page 98) begins—"The U. S. P. and N. F. preparations listed below are held to be fit for beverage purposes." This list is composed of: Cordial, 9 Elixirs, 3 Spirits, 6 Tinctures and 4 Wines as follows: Blackberry Cordial, Elixir Aromatic, Elixir of Anise, Red Aromatic Elixir, Elixir of Bitter Orange, Compound Elixir of Cardamom, Elixir of Licorice, Aromatic Elixir of Glycyrrhiza, Compound Elixir of Taraxacum, Elixir of Terpin Hydrate, Spirit of Ether or Hoffmann's Drops, Compound Spirit of Juniper, Compound Spirit of Myrcia (Bay Rum), Bitter Tincture, Aromatic Tincture, Tincture Sweet Orange Peel, Tincture of Caramel, Tincture of Lemon Peel, Tincture of Ginger, Compound Wine of Orange, Wine of Beef, Wine of Pepsin and Wine of Wild Cherry.

The Tenth Revision of the U. S. Pharmacopœia has been official since January 1, 1926 and the 5th Revision of the National Formulary have been official from July 1, 1926. Both of these revisions were more than a year old before the issuance of Federal Prohibition Regulations, 2. These revisions have deleted many of these preparations, leaving only 12 preparations of the U. S. P. and N. F. fit for beverage purposes.

Why in three years, 1927-1930, this list has not been revised by the Prohibition

* Section on Education and Legislation A. PH. A., Baltimore meeting, 1930.