

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1036

SPONSOR: Senator Saunders and others

SUBJECT: Pharmacy Practice/Licensure by Endorsement

DATE: March 17, 1999 REVISED: 03/23/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill creates licensure by endorsement requirements for a pharmacist who is licensed in another jurisdiction or who has met certain other requirements to practice pharmacy in Florida without having to take the national licensure examination at the time of application. The bill requires the Florida Board of Pharmacy to certify that licensure by endorsement applicants have met the specified requirements. The opportunity to obtain licensure by endorsement is limited to a pharmacist who either has actively practiced as a pharmacist in another jurisdiction for at least 2 of the preceding 7 years before application to practice in Florida or has successfully completed a board-approved postgraduate training or board-approved clinical competency examination within the year before application. The bill does not allow the department to issue a license to any applicant who is being investigated for acts that would violate regulations applicable to licensed pharmacists until the investigation is complete. The department must impose conditions, limitations, or restrictions on an applicant who is on probation in another jurisdiction for an act that would constitute a violation of the pharmacy practice act.

This bill creates section 465.0075, Florida Statutes.

II. Present Situation:

Chapter 465, Florida Statutes, provides for the regulation of the practice of pharmacy by the Board of Pharmacy. Section 465.007, F.S., provides requirements for licensure by examination for persons who wish to practice pharmacy. Applicants must complete the application form and submit to the Department of Health an examination fee no greater than \$100 plus the actual cost to the department for purchase of portions of the examination from the National Association of Boards of Pharmacy or a similar national organization. Pursuant to s. 465.007(1)(b) and (c), F.S., the Department of Health will examine any applicant wishing to practice pharmacy who the Board of Pharmacy certifies: is 18 years of age or older; has received a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education or has graduated from a 4-year undergraduate pharmacy program of a school

or college of pharmacy located outside the United States and has also demonstrated proficiency in English by passing both the Test of English as a Foreign Language and the Test of Spoken English; and has completed an internship program approved by the board. In addition, the Board of Pharmacy must certify that a graduate of a foreign school or college of pharmacy has also completed a minimum of 500 hours of supervised work in Florida under a licensed pharmacist and has passed the board-approved Foreign Pharmacy Graduate Equivalency Examination. After the Board of Pharmacy has certified that the applicant has successfully met the requirements in s. 465.007(1)(b) and (c), F.S., the Department of Health must issue a license to practice pharmacy to any applicant who successfully completes the examination. The pharmacy licensure examination also tests applicants' knowledge of Florida law relating to the practice of pharmacy.

Any person who wishes to practice pharmacy in Florida must submit to the all requirements for licensure by examination, including the requirements of s. 465.016, F.S. Section 465.016, F.S., specifies grounds for which a pharmacist may be disciplined or an applicant for pharmacy licensure may be refused a license.

Licensure by endorsement is a licensing procedure that allows an out-of-state practitioner who holds an active license in a state which has licensing requirements substantially equivalent to, or more stringent than, those in the state in which the practitioner is seeking licensure to obtain a license without meeting all of the licensure requirements for a person who is obtaining licensure for the first time. Jurisdictions that provide licensure by endorsement procedures for persons to practice pharmacy may participate in the National Association of Boards of Pharmacy's electronic licensure transfer program that enables pharmacists to transfer their existing pharmacy license from one jurisdiction to another through uniform licensure requirements recognized in jurisdictions that are members of the National Association of Boards of Pharmacy. The National Association of Boards of Pharmacy licensure program serves as a clearinghouse that screens pharmacists for disciplinary actions and verifies background information.

Florida and California are the only states that do not allow pharmacists to become licensed through endorsement procedures or procedures for electronic licensure transfer, according to the Department of Health. Under Florida law, any pharmacist who is currently licensed in another jurisdiction must retake the national licensure examination before being licensed in Florida. The Department of Health indicated that all states except California use the national licensure examination of the National Association of Boards of Pharmacy, a professional state board, that represents all 50 states, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, New Zealand, eight Canadian provinces, and three Australian states.

III. Effect of Proposed Changes:

The bill creates section 465.0075, F.S., specifying licensure by endorsement requirements for any person wanting to practice pharmacy in Florida. Under s. 465.0075, F.S., the Department of Health must issue a license by endorsement to practice pharmacy, to any applicant who has submitted a nonrefundable application fee no greater than \$100, and who the Board of Pharmacy certifies has met the following licensure by examination requirements specified in s. 465.007(1)(b) and (c), F.S.: has attained 18 years of age; has received a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education or has graduated from a 4-year undergraduate pharmacy program of a school

or college of pharmacy located outside the United States and has demonstrated proficiency in English by passing both the Test of English as a Foreign Language and the Test of Spoken English; and has completed an internship program approved by the board. In addition, a graduate of a foreign school or college of pharmacy must have completed a minimum of 500 hours of supervised work in Florida under a licensed pharmacist and have passed the board-approved Foreign Pharmacy Graduate Equivalency Examination.

The bill requires the Board of Pharmacy to certify that the licensure by endorsement applicant has obtained a passing score on the licensure examination of the National Association of Boards of Pharmacy (NABPLEX) or a similar national organization. The Board of Pharmacy must certify a person eligible for licensure by endorsement, if the person took the licensure examination more than 15 years prior to applying for a license by endorsement in Florida.

The bill also requires an applicant to submit evidence of the active licensed practice of pharmacy in another jurisdiction for at least 2 of the immediately preceding 7 years or evidence of successful completion of either board-approved post-graduate training or a board-approved clinical competency examination within the year preceding application. The bill defines “active licensed practice of pharmacy,” for purposes of licensure by endorsement, to mean that practice of pharmacy by pharmacists, including those employed by any governmental entity in community or public health, and those on the active teaching faculty of an accredited pharmacy school.

After certification by the Board of Pharmacy, the Department of Health must impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act that would constitute a violation of chapter 465, F.S. The department may not issue a license by endorsement to any applicant who is under investigation in any jurisdiction for an act or offense that would constitute a violation of chapter 465, F.S., until such time as the investigation is complete. The bill provides that once the investigation is complete, the applicant may be subject to refusal of licensure pursuant to s. 465.016, F.S.

If the bill becomes law, it will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

Licensure by endorsement applicants will be subject to a nonrefundable application fee no greater than \$100. The Department of Health estimates that it will process 350 applications @ \$100 each for fiscal year 1999-2000 totaling \$35,000 and for fiscal year 2000-2001, 350 applications @ \$100 each, totaling \$35,000.

B. Private Sector Impact:

Out-of-state pharmacists will benefit from the bill's licensure by endorsement provisions, to the extent, they may practice in Florida without having to sit for the national licensure examination at the time of application in Florida. Entities employing pharmacists in Florida may benefit from a larger pool of potential employees.

C. Government Sector Impact:

The Department of Health will incur costs to implement the pharmacy licensure by endorsement provisions and estimates that for fiscal year 1999-2000, the costs for 1 position and other expenses will be \$33,517 and for fiscal year 2000-2001, the costs will be \$34,275 totaling \$67,792. These costs will be offset by receipts of the application fee (700 applicants @\$100 for the biennium year 1999-2001) totaling \$70,000.

VI. Technical Deficiencies:

On page 1, lines 20-26, of the bill, it is unclear whether the intent is for the Board of Pharmacy to certify all applicants who otherwise meet the licensure by endorsement requirements, but only if the board also separately certifies applicants for licensure by endorsement who have taken the required examination more than 15 years before application, or whether the licensure by endorsement requirements are limited to applicants who have taken the required licensure examination no more than 15 years before application.

VII. Related Issues:

On page 2, lines 8-12, the bill provides that after certification by the Board of Pharmacy, the Department of Health *must* rather than *may* impose conditions, limitations, or restrictions on a license by endorsement if the applicant is on probation in another jurisdiction for an act that would constitute a violation of chapter 465, F.S., without any further intervention by the Board of Pharmacy or any other standard for the imposition of a condition, limitation, or restriction on the license.

Applicants licensed in another state who have practiced for less than 2 years and who have not completed a board-approved post-graduate training or board-approved clinical competency examination may only apply by licensure by examination under the bill.

VIII. Amendments:

#1 by Health, Aging and Long-Term Care:

Revises the requirements for pharmacy licensure by endorsement applicants to clarify that in addition to meeting other requirements, they may be issued a license to practice in Florida only if the Board of Pharmacy separately certifies applicants for licensure who have taken the required examination not more than 15 years before application. Provides alternate “active practice” requirements for endorsement applicants and requires all applicants to pass an examination on Florida pharmacy law.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
