

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 654

SPONSOR: Senator Saunders and others

SUBJECT: Pharmacy Practice/Licensure by Endorsement

DATE: February 27, 2001      REVISED: 03/14/01 \_\_\_\_\_

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

**I. Summary:**

The bill creates licensure by endorsement requirements for a pharmacist who is licensed in another jurisdiction who has met certain other requirements to practice pharmacy in Florida. 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 has actively practiced as a pharmacist in another jurisdiction for at least 2 of the preceding 5 years before application to practice in Florida, has successfully completed a board-approved postgraduate training or board-approved clinical competency examination within the year before application, or has completed an internship meeting existing internship statutory requirements within the 2 years immediately preceding application. The bill prohibits the Department of Health from issuing a license to any applicant who is being investigated for acts that would violate regulations applicable to Florida-licensed pharmacists until the investigation is complete, or to any pharmacist whose license has been suspended or revoked in another state, or to any applicant whose license to practice pharmacy is currently the subject of any disciplinary proceeding.

This bill creates section 465.0075, Florida Statutes, and one undesignated section of law.

**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 applicants have 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 all the 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, nine Canadian provinces, and four Australian states.

### **III. Effect of Proposed Changes:**

The bill creates s. 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 to practice pharmacy by endorsement, to any applicant who has

submitted a non-refundable 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 not 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, including practice in community or public health by those employed by any governmental entity, in another jurisdiction for at least 2 of the immediately preceding 5 years. The bill provides alternate "active practice" requirements for endorsement applicants by authorizing applicants to meet the requirement by the completion of a board-approved postgraduate training or a board-approved clinical competency examination within the year preceding their application or completion of a board-approved internship within 2 years immediately preceding their application.

The applicant must obtain a passing score on the pharmacy jurisprudence portions of the licensure examination, as required by board rule. Any applicant licensed in another state for a period over 2 years from the date of his or her application must complete at least 30 hours of board-approved continuing education for the 2 calendar years immediately preceding application.

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 ch. 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.

The bill prohibits the department from issuing a license by endorsement to practice pharmacy to any applicant whose license to practice pharmacy has been suspended or revoked in another state or to any applicant who is currently the subject of any disciplinary proceeding in another state.

The bill requires the appropriate committee of each house of the Legislature to review, during the 2006 Regular Session of the Legislature, the effect of this act and make recommendations to the presiding officer of that house regarding such review.

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 Art. VII, s. 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 Art. I, s. 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 Art. III, s. 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 non-refundable application fee no greater than \$100. The Department of Health estimates that it will process 400 applications @ \$100 each for fiscal year 2001-2002 totaling \$40,000 and for fiscal year 2002-2003, 400 applications @ \$100 each, totaling \$40,000.

**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 2001-2002, the costs for one position and other expenses will be \$37,472 and for fiscal year 2002-2003, the costs will be \$40,342 totaling \$78,730. These costs will be offset by receipt of the application fee (800 applicants @ \$100 for the biennium year 2001-2003) totaling \$80,000.

**VI. Technical Deficiencies:**

On page 2, lines 25-26, the bill requires the appropriate committee of each house of the Legislature to review the effect of the act. It is unclear whether the review is to be performed during the interim preceding the 2006 Regular Session.

**VII. Related Issues:**

None.

**VIII. Amendments:**

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

Provides that pharmacy licensure by endorsement applicants must have passed the national examination or a similar national examination not more than 12 years prior to the date of the application, rather than not more than 15 years prior to application as required in the bill.

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

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