

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.)

Prepared By: Health Care Committee

BILL: SPB 7022

INTRODUCER: For consideration by Health Care Committee

SUBJECT: Pharmacy Licensure by Endorsement

DATE: October 27, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

The bill requires an applicant for licensure as a pharmacist by endorsement who has been licensed in another state for more than 2 years before the date of application to complete the required 30 hours of continuing education within *24 months*, rather than *2 calendar years*, immediately preceding application.

This bill amends section 465.0075, Florida Statutes.

II. Present Situation:

Pharmacy Licensure by Endorsement

The practice of pharmacy is regulated by the Board of Pharmacy within the Department of Health (DOH). Any person who practices pharmacy in Florida must be a licensed pharmacist or registered as a pharmacy intern.¹ A pharmacy intern is a person who is currently registered in, and attending, an accredited school or college of pharmacy, or who is a graduate of a school or college of pharmacy, and who is registered with DOH.

A person wishing to practice pharmacy as a pharmacist may become licensed to practice that profession by applying under licensure by examination or licensure by endorsement statutory provisions. Licensure by examination is a licensure option that requires an applicant to sit for the licensure examination for entry into the profession at the time of the application, in addition to meeting other licensure requirements. Under licensure by examination requirements, the Board

¹ The pharmacy practice act, ch. 465, F.S., specifies exceptions to pharmacy licensure for the sale of home remedies or preparations.

of Pharmacy assures that an applicant scheduled to sit for the licensure examination is qualified to do so.

A pharmacist who is already licensed and practicing in another state may not wish to sit for the licensure examination as an initial applicant to practice in Florida if the pharmacist has already met substantially equivalent requirements for licensure at the time he or she was originally licensed to practice the profession. 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.

Under s. 465.0075, F.S., DOH 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 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. Under s. 465.007(1)(c), F.S., each applicant must submit proof that he or she has completed a board-approved internship.

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 statutory internship requirements within the 2 years immediately preceding application.

The applicant must obtain a passing score on the pharmacy jurisprudence portions of the licensure examination and must document completion of 30 hours of board-approved continuing education in the 2 calendar years preceding application. The Board of Pharmacy must certify that the licensure by endorsement applicant has obtained a passing score on the licensure examination of the National Association of Boards of Pharmacy or a similar national organization not more than 12 years prior to applying for a license by endorsement in Florida. The Department of Health may not issue 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.

Interim Project 2006-223

Chapter 2001-166, Laws of Florida, requires the appropriate committee of each house of the Legislature to review, during the 2006 Regular Session of the Legislature, the effect of the pharmacy licensure by endorsement provisions and make recommendations to the presiding officer of that house regarding such review. Section 465.0075, F.S., was not subject to repeal by the law and therefore does not require reenactment by the Legislature.

During the review, DOH indicated that there are approximately 22,425 actively licensed pharmacists in Florida. Since 2001, about 1,034 pharmacists have been licensed in Florida under s. 465.0075, F.S., the licensure by endorsement provisions.² Of the pharmacy licensure by endorsement applicants, approximately 80 percent met the requirements by providing evidence that the applicant had actively practiced pharmacy in another jurisdiction for at least 2 of the immediately 5 years.³ About 20 percent of the endorsement applicants qualified for licensure by showing proof of having successfully completed an internship within 2 years immediately preceding the application and obtaining a passing score on the pharmacy jurisprudence portions of the licensure examination.⁴ None of the pharmacists who have been licensed in Florida under the endorsement provisions has been subject to discipline by the Florida Board of Pharmacy.⁵

Based on findings in the Interim Project Report 2006-223, staff recommended that the pharmacy licensure by endorsement provisions be amended to require applicants to obtain the required 30 hours of continuing education within *24 months*, rather than *2 calendar years*, immediately preceding their application.

III. Effect of Proposed Changes:

The bill amends s. 465.0075(2), F.S., to require an applicant for licensure as a pharmacist by endorsement who has been licensed in another state for more than 2 years before the date of application to complete the required 30 hours of continuing education within *24 months*, rather than *2 calendar years*, immediately preceding application.

The effective date of the bill is July 1, 2006.

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.

² Source: The Florida Department of Health, Medical Quality Assurance Division, Board of Pharmacy.

³ Id.

⁴ Id.

⁵ Id.

C. Trust Funds Restrictions:

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

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Some pharmacy licensure by endorsement applicants may benefit to the extent that they have the flexibility to complete the required continuing education within *24 months* rather than *2 calendar years* preceding their application.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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