

STATE OF WISCONSIN
PHARMACY EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : PHARMACY EXAMINING BOARD
PHARMACY EXAMINING BOARD : ADOPTING RULES
: (CLEARINGHOUSE RULE 04-002)

ORDER

An order of the Pharmacy Examining Board to amend Phar 2.03 (4), relating to the practical examination, NAPLEX and the multi-state pharmacy jurisprudence examination.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 440.07 (2) (a), 450.03 (2) and 450.04 (2) and (3), Stats.

Explanation of agency's authority to promulgate the proposed rule under ss. 15.08 (5) (b), 227.11 (2), 440.07 (2) (a), 450.03 (2) and 450.04 (2) and (3), Stats.

The authorizing statutes grant to the Wisconsin Pharmacy Examining Board the authority to determine procedures to be used by applicants desiring to take examinations required for licensure.

Statutes interpreted: ss. 15.08 (5) (b), 227.11 (2), 440.07 (2) (a), 450.03 (2) and 450.04 (2) and (3), Stats.

Current s. Phar 2.03 (4) allows an applicant to be admitted to the practical examination, NAPLEX examination or multi-state pharmacy jurisprudence examination if the applicant is within 360 credit hours of completing an internship in the practice of pharmacy (for applicants certified by the foreign pharmacy graduate examination committee) or 60 days before graduation from a school or college of pharmacy approved by the board. In certain instances with other state pharmacy examining boards, this rule may penalize applicants who wish to later transfer scores. This is because other state pharmacy examining boards may not accept examination score transfers if the examinations are taken prior to graduation.

This modification will not allow an applicant to be admitted to the practical examination, NAPLEX examination or multi-state pharmacy jurisprudence examination prior to completing an internship in the practice of pharmacy, and either obtaining certification by the foreign pharmacy graduate examination committee where necessary or graduating from a school or college of pharmacy approved by the board.

Summary of and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None applicable.

A comparison of similar rules in adjacent states:

Illinois Rules – Section 1330.40. At least 30 days prior to taking required examinations, graduation from a pharmacy school approved by the board, or for foreign graduates, evidence of passing the Foreign Pharmacy Graduate Equivalency Examination and the Test of English as a Foreign Language and Test of Spoken English.

Iowa – 657 IAC 2.2(1), 2.5(155A), 2.10(155A). At the time of application, evidence of graduation from a recognized college of pharmacy or for foreign graduates, certification by the Foreign Pharmacy Graduate Equivalency Commission (FPGEC).

Michigan – R. 338.474 Rule 4. (1)(a). Applicant must have completed the requirements for a degree in pharmacy from a program of pharmacy education approved by the board.

Minnesota – Chapter 6800.1250, Subpart 1. Requires an applicant to submit evidence of having graduated from a pharmacy school approved by the board, at least 45 days prior to taking an examination. Before taking the licensing examination, a foreign graduate must pass the Foreign Pharmacy Graduate Equivalency Examination and the Test of English as a Foreign Language.

Summary of the factual data and analytical methodologies that the agency used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule:

The proposed rule is in response to an April 8, 2003 memorandum by the National Association of Boards of Pharmacy (NABP) to the executive office of all state boards of pharmacy regarding current s. Phar 2.03 (4). The memorandum implies that current s. Phar 2.03 (4) is not in compliance with the letters of agreement between the state boards and NABP for two examinations, NAPLEX and MPJE. While current s. Phar 2.03 (4) is in compliance with the letters of agreement, the proposed rule is designed to amend the wording of s. Phar 2.03 such that Wisconsin pharmacy graduates who later attempt to transfer test scores to other jurisdictions will not be hindered by another jurisdiction's possible contention that the test scores are based upon examinations taken in a manner not in compliance with the NABP letters of agreement.

Analysis and supporting documentation that the agency used in support of the agency's determination of the rule's effect on small business under s. 227.114, Stats.:

None.

TEXT OF RULE

SECTION 1. Phar 2.03 (4) is amended to read:

Phar 2.03 (4) An applicant for licensure as a pharmacist shall not be eligible to be admitted to the practical examination, NAPLEX or the multi-state pharmacy jurisprudence examination prior to ~~obtaining certification by the foreign pharmacy graduate examination committee and being either within 360 credit hours or~~ completing an internship in the practice of pharmacy ~~or 60 days before~~ and either obtaining certification by the foreign pharmacy graduate examination committee or graduating from a school or college of pharmacy approved by the board.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____ Agency _____
Chairperson
Pharmacy Examining Board

FISCAL ESTIMATE

The Department of Regulation and Licensing will incur \$500 in costs for staff to print and distribute the rule change.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.