

# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 01  
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 5/1/97 Code Number 070-00.97--001

Name of Agency Arkansas State Board of Pharmacy

Department \_\_\_\_\_

Contact Person John T. Douglas, P.D. /Sheila Castin Phone 682-0190

Statutory Authority for Promulgating Rules 17-92-205 (A)

Intended Effective Date	Legal Notice Published . . . . .	Date <u>1/10, 1/17, 1/24, 1/31/97</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment . . . . .	<u>2/11/97</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Filed With Legislative Council . . . . .	<u>1/15/97</u>
<input type="checkbox"/> Other <u>May 1, 1997 (will be find)</u>	Reviewed by Legislative Council . . . . .	<u>The Council has not met</u>
	Adopted by State Agency . . . . .	<u>2/11/97</u>

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.

John T. Douglas PD  
Signature  
682-0190  
Phone Number  
Executive Director  
Title  
April 7, 1997  
Date

FILED  
AR. REGISTER DIV.  
97 APR -8 PM 2:50  
SHARON PRIEST  
SECRETARY OF STATE  
STATE OF ARKANSAS

FILED

AR. REGISTER DIV.

DEPARTMENT Arkansas State Board of Pharmacy  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT John T. Douglas, P.D.  
TELEPHONE NO. 682-0190 FAX NO. 682-0195

97 APR -8 PH 2:50

SHARON PRIEST  
SECRETARY OF STATE  
STATE OF ARKANSAS

FINANCIAL IMPACT STATEMENT

BY \_\_\_\_\_

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Regulation 12--Board of Pharmacy Licensing Examination

- Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes \_\_\_\_\_ No xx
- If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. There is no financial impact that can be assessed. There is no change in any fee charged. It might allow a student to take the test earlier, thus increasing the individuals income.
- If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.  
N/A

<u>1995-96 Fiscal Year</u>	<u>1996-97 Fiscal Year</u>
General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other _____	Other _____
Total _____	Total _____

- What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? None

<u>1995-96 Fiscal Year</u>	<u>1996-97 Fiscal Year</u>
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- What is the total estimated cost by fiscal year to the agency to implement this regulation?

<u>1995-96 Fiscal Year</u>	<u>1996-97 Fiscal Year</u>
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0

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July 28, 1995

Attachment in answer to question #5:

The Arkansas State Board of Pharmacy cooperates with the National Association of Boards of Pharmacy (NABP) in administering a licensing examination developed for them by their consultants (ETS). These consultants have developed a computer adaptive examination that will be given nationally during certain testing windows.

The changes, being made to Regulation 12, will enable the Arkansas Board of Pharmacy to comply with the rules that were developed by NABP to be certain that the examination is legally defensible. At the advise of our attorney at the Attorney General's Office, we also defined the cutting score for the Jurisprudence examination and made a few other minor clarifying changes.

FILED  
APR. REGISTR. DIV.  
97 APR - 8 PM 2:50  
SHARON POJEST  
SECRETARY OF STATE  
STATE OF ARKANSAS  
BY \_\_\_\_\_

12. Before being admitted to the State Board of Pharmacy Examination, each applicant must have the following requisites:
- A. Satisfactory proof of graduation and receipt of the first professional undergraduate degree from a college of pharmacy which has been approved by the Board of Pharmacy; or satisfactory proof of graduation from a foreign college of pharmacy, completion of a transcript verification program, successful completion of a college of pharmacy equivalency exam program equivalent to graduation from a Board of Pharmacy approved College of Pharmacy, and a minimum score of 550 on the Test of English as a Foreign Language (TOEFL) within two years of the completion of the college of pharmacy equivalency exam.
  - B. Applicants will apply to the Board of Pharmacy for an application blank which must be completed and returned to the Board of Pharmacy office together with the fee of \$25 as defined in Regulation 59 plus cost of the exam as determined by the Board. ~~not less than 30 days before the examination is scheduled. The application must be received no later than the date designated by the Board for receipt of applications.~~
  - C. Each application must be accompanied by ~~two~~ a recent 3" X 2" pictures and a physical description stating age, height, weight, color of hair, eyes, and complexion of the applicant.
  - D.
    - i. ~~The examination will be held at a site and at a time or during a time period designated by the Board of Pharmacy the time and place set by the Board of Pharmacy, and each applicant will be notified in advance.~~
    - ii. Upon the receipt, by the Board of Pharmacy, of (1) certification of the requirements as defined in section A. of this regulation, and (2) receipt of an application for examination for licensure, by the Board of Pharmacy, such applicant may practice pharmacy as a graduate intern, pursuant to Regulation 27, in the State of Arkansas temporarily until the occurrence of the first of the following events:
      - a. failure to take the exam at the designated time for the individual applicant; provided, however, the Board may grant a similar temporary privilege to practice pharmacy as a graduate intern subject to the same terms and conditions herein in the event the applicant is reasonably unable, due to circumstances beyond the applicant's control, to take the examination at the first designated time for the individual applicant;
      - b. failure to receive a passing grade on the examination at the first designated time for the individual applicant;
      - c. the expiration of 12 calendar months following the applicant's graduation date from a college of pharmacy or completion of foreign pharmacist requirements as set forth in Regulation 12 (A). ~~until such time as the first meeting of the Board of Pharmacy for examination for licensure as a pharmacist.~~
    - iii. ~~The granting of status as a graduate intern the temporary permission to practice pharmacy upon such certification,~~ shall in no way entitle the recipient thereof to any rights of tenure of permanent license and is purely discretionary and gratuity by the Board.
  - E. The test or tests shall be graded and reported, and a reported score of 75 or above is considered passing.
  - F. No person except members of the Board of Pharmacy or the authorized representatives will be permitted to enter the testing site ~~room~~ during the course of examination. ~~being held by the State Board of Pharmacy.~~
  - G. The applicant must make a score of 70% on the jurisprudence exam prior to making application for licensure as a Pharmacist in the state of Arkansas. Jurisprudence given on a pass/fail basis. 10/09/80 (Revised 1/14/81, 6/22/84, 6/13/85, 6/20/91, and 2/11/97)

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  - B. Applicants will apply to the Board of Pharmacy for an application blank which must be completed and returned to the Board of Pharmacy office together with the fee as defined in regulation 59 plus cost of the exam as determined by the Board. The application must be received no later than the date designated by the Board for receipt of applications.
  - C. Each application must be accompanied by a recent 3" X 2" picture and a physical description stating age, height, weight, color of hair, eyes, and complexion of the applicant.
  - D.
    - i. The examination will be held at a site and at a time or during a time period designated by the Board of Pharmacy , and each applicant will be notified in advance.
    - ii. Upon the receipt, by the Board of Pharmacy, of (1) certification of the requirements as defined in section A. of this regulation, and (2) an application for examination for licensure, such applicant may practice pharmacy as a graduate intern, pursuant to Regulation 27, in the state of Arkansas temporarily until the occurrence of the first of the following events:
      - a. failure to take the exam at the designated time for the individual applicant; provided, however, the Board may grant a similar temporary privilege to practice pharmacy as a graduate intern subject to the same terms and conditions herein in the event the applicant is reasonably unable, due to circumstances beyond the applicant's control, to take the examination at the first designated time for the individual applicant;
      - b. failure to receive a passing grade on the examination at the first designated time for the individual applicant;
      - c. the expiration of 12 calendar months following the applicant's graduation date from a college of pharmacy or completion of foreign pharmacist requirements as set forth in Regulation 12 (A).
    - iii. The granting of status as a graduate intern shall in no way entitle the recipient thereof to any rights of tenure of permanent license and is purely discretionary and gratuity by the Board.
  - E. The test or tests shall be graded and reported, and a reported score of 75 or above is considered passing.
  - F. No person except members of the Board of Pharmacy or the authorized representatives will be permitted to enter the testing site during the course of examination.
  - G. The applicant must make a score of 70% on the jurisprudence exam prior to making application for licensure as a Pharmacist in the state of Arkansas. 10/09/80 (Revised 1/14/81, 6/22/84, 6/13/85, 6/20/91, and 2/11/97)

070. 00191 - 09  
ARKANSAS STATE BOARD OF PHARMACY

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JOHN T. DOUGLAS, P.D.  
EXECUTIVE DIRECTOR

April 7, 1997

Ms. Sharon Priest  
Secretary of State  
State Capitol  
Little Rock, AR 72201

Dear Ms. Priest:

Enclosed is a transmittal sheet for Board of Pharmacy Regulation 12. This regulation has been promulgated. Because the Subcommittee on Administrative Rules and Regulations of the Legislative Council has not met, we have been unable to have the regulation reviewed. However, we are in hopes that it will be done at their first meeting. This is why we are asking for a May 1, 1997 effective date. Hopefully, the council will meet before that date. It is very important, however, that the regulation go into effect by May 1, 1997, so that the graduating students can take the NAPLEX in June.

Please notify this agency as to the date that the regulations are effective. We will also appreciate receiving a certified copy of each regulation which has been dated and stamped by your office.

Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Sheila Castin".

Sheila Castin  
Assistant Director/Fiscal Officer

ssc

enc.

FILED  
APR 10 1997  
97 APR - 8 PM 2:50  
SHARON PRIEST  
SECRETARY OF STATE  
STATE OF ARKANSAS  
BY \_\_\_\_\_