

STORAGE NAME: h0463.hcl

DATE: March 8, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: HB 463

RELATING TO: Pharmacy Practice/Licensure by Endorsement

SPONSOR(S): Representative Morroni and others

COMPANION BILL(S): SB 1036(I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING & REGULATION
 - (2) GOVERNMENTAL RULES & REGULATIONS
 - (3) HEALTH & HUMAN SERVICES APPROPRIATIONS
 - (4)
 - (5)
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I. SUMMARY:

HB 463 creates s. 465.0075, F.S., to provide for pharmacy licensure by endorsement. It provides that applicants must have passed the national examination (NABPLEX), or a similar national examination. It provides the board must certify the applicant eligible if the exam was taken more than 15 years prior to the date of the application.

The applicant must submit proof of the "active licensed practice of pharmacy" in 2 of the immediately preceding 7 years or evidence of successful completion of either board-approved postgraduate training or a board-approved clinical competency examination within the year preceding application.

It defines the "active licensed practice of pharmacy" as the practice 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. It provides certain limitations on licensure by endorsement.

The bill will have a fiscal impact on the State which will be covered by fees. There will be no fiscal impact on local government or the private sector in general.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 465, F.S., regulates the practice of pharmacy. The Board of Pharmacy is currently composed of nine members. Two of the members are consumer members and the remaining seven members are pharmacists.

The pharmacy law does not currently provide for licensure by endorsement. However, during the 1998 interim, a review was made of a number of pharmacy issues of interest to the various concerned groups. One issue was identified by all but one of the responding groups----Florida's lack of reciprocity/endorsement with other states.

A review of the information provided indicates that Florida and California are the only two states lacking the ability to transfer licensure or issue a license by endorsement.

California still administers an exam that is peculiar to that state. In 1986, the Florida Board of Pharmacy began using the National Association of Boards of Pharmacy [NABPLEX] exam for pharmacy licensure which is the same exam used by all other states, except California. According to a number of respondents, "there is no justifiable reason why pharmacists in other states, who have taken the same NABPLEX exam as their counterparts in Florida, should be denied the ability to transfer those scores into this state for licensure. Also, if Florida had a policy of recognition of the grades from the national exam taken in other states, such a policy would improve the opportunities for Florida educated pharmacists seeking professional opportunities in other states. While the goal would be to provide employment within the state for Florida-educated pharmacists, it should not be a state policy to make it as difficult as possible, for such graduates to obtain jobs in other states. This means Florida students/pharmacists do not enjoy reciprocity, and this is grossly unfair in today's mobile workforce."

The only respondents opposing licensure by endorsement were the Florida Pharmacy Association (F.P.A.). In addition, they submitted a letter from Dean Lewis of the College of Pharmacy, Florida A&M University, in opposition to licensure by endorsement. However, it should be pointed out that the Dean of the Pharmacy College at the University of Florida strongly supported licensure by endorsement.

Most major medical professions in Florida that take the same national examination as other states, recognize the grades on such examination for licensure in Florida, except for pharmacists. For instance, medical professions such as medical physicians, osteopathic physicians, podiatric physicians, and nurses provide for full Florida licensure by endorsement.

It should be noted that the issue of authorizing pharmacy licensure by endorsement was recommended during the 1986 Sunset Review.

The F.P.A., in response to the 1986 Sunset Review recommendation that Chapter 465, Florida Statutes, be changed to allow for licensure by endorsement, took a position opposing the recommendation. The membership discussed the issue again in 1998, and the position was to reaffirm the 1986 position, and at the same time, included a lack of support for the issue of reciprocity of pharmacists as well.

While it is the opinion of the Department of Health that an amendment to section 465.007, F.S., could be drafted that would provide for licensure by endorsement and provide appropriate protection for the public's health, safety, and welfare, the Board of Pharmacy reviewed three draft proposals, and voted to remain neutral on the issue.

Eckerd Drugs and Walgreen Drugs both stated they can offer employment to more pharmacists than are available in the state. However, they cannot go outside of the state to recruit because Florida does not permit endorsement with other states, or even allow license examination scores to be transferred. Florida pharmacy school graduates take the same license exam as graduates in other states.

B. EFFECT OF PROPOSED CHANGES:

Creates s. 465.0075, F.S., to provide for pharmacy licensure by endorsement. It provides that applicants must have passed the national examination (NABPLEX), or a similar national examination. It provides the board must certify the applicant eligible if the exam was taken more than 15 years prior to the date of the application.

The applicant must submit proof of the "active licensed practice of pharmacy" in 2 of the immediately preceding 7 years or evidence of successful completion of either board-approved postgraduate training or a board-approved clinical competency examination within the year preceding application.

It defines the "active licensed practice of pharmacy" as the practice 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. It provides certain limitations on licensure by endorsement.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

While no specific authority is included for rulemaking, the board could use their general rulemaking authority to implement the provisions relating to licensure by endorsement.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Yes. Any pharmacist that obtains Florida licensure by endorsement will pay all related costs.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates s. 465.0075, Florida Statutes

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 465.0075, Florida Statutes, to provide for pharmacy licensure by endorsement. It provides that applicants must pass the national examination (NABPLEX), or a similar national examination. It provides the board must certify the applicant eligible if the exam was taken more than 15 years prior to the date of the application.

The applicant must submit proof of the "active licensed practice of pharmacy" in 2 of the immediately preceding 7 years or evidence of successful completion of either board-approved postgraduate training or a board-approved clinical competency examination within the year preceding application.

It defines the "active licensed practice of pharmacy" as the 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. It provides certain limitations on licensure by endorsement.

Section 2. Provides an effective date of upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Expenditures:	1999-2000
Department of Health	
OCO 1FTE	\$6,564

2. Recurring Effects:

Revenues:	1999-2000	2000-2001
Department of Health 350 applicants @ \$100	\$35,000	\$35,000
Expenditures		
Department of Health		
1FTE (RSI)	\$21,965	\$29,287
1FTE Expenses	<u>4,988</u>	<u>4,988</u>
Medical Quality Assurance Trust Fund	\$26,953	\$34,275

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Revenues:		
Department of Health	\$35,000	\$35,000
Expenditures:		
Department of Health	\$33,517	\$34,275

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None. However, see comments under Employment Markets.

3. Effects on Competition, Private Enterprise and Employment Markets:

While the bill will not have any effect on competition or the employment markets in general, the availability of additional pharmacists could benefit a number of the pharmacies located in Florida. Eckerd Drugs and Walgreen Drugs both stated they can offer employment to more pharmacists than are available in the state. However, they cannot go outside of the state to recruit because Florida does not permit endorsement with other states, or even allow license examination scores to be transferred.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

According to the Department of Health's analysis, the bill limits the endorsement provision to pharmacists that passed the national exam more than 15 years ago. They suggest this is a drafting error. Upon review, it could be interpreted that way. The other option is it should read "**not** more than 15 years ago". This would allow a pharmacist who took the exam 15 years ago or less, to apply for licensure by endorsement. Another interpretation is that anyone who took a similar national exam more than 15 years ago must be certified by the board prior to licensure by endorsement. A clarifying amendment is needed.

The department suggested that the bill should be amended to make a recent approved internship an alternative to the 2 years of active practice. This would allow recent graduates this avenue of licensure without waiting two years to apply. Also, they suggested that applicants by endorsement should have to take the Florida jurisprudence examination the same as applicants for licensure by examination. The Board of Pharmacy has taken a neutral position on licensure by endorsement.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

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