

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672

5918 HOUSE LABOR & COMMERCE

322

	GROSS PREMIUM	CURRENT TAX RATE	CURRENT TAX REVENUE	ADDITIONAL REVENUE ALL AT 2.7% G.P.	ADDITIONAL REVENUE 3% G.P. LTD P/C	ADDITIONAL REVENUE ALL AT 3% G.P.	ADDITIONAL REVENUE 3.5% G.P. LTD P/C	ADDITIONAL REVENUE ALL AT 3.5% G.P.
LIFE AND DISABILITY INSURANCE	199,450,000	2.7% G.P.	5,385,154	NO CHANGE	598,950	598,950	1,595,600	1,595,600
LIFE AND DISABILITY STATE + MUNEP	56,760,081	0%	0	NO CHANGE	NO CHANGE	NO CHANGE	NO CHANGE	NO CHANGE
HOSPITAL / MEDICAL SERVICE CORP	60,001,429	6% OF PROFIT	269,629	1,850,400	NO CHANGE	1,530,400	NO CHANGE	1,850,420
PROPERTY/ CASUALTY INSURANCE	656,240,740	2.7% G.P.	17,718,544	NO CHANGE	1,968,722	1,968,722	5,249,926	5,249,926
WBT MARINE AND TRANSPORTATION	12,485,966	0.75% OF PROFIT	58,146	278,958	NO CHANGE	316,415	NO CHANGE	378,842
TITLE INSURANCE	16,507,725	1% G.P.	165,077	280,700	NO CHANGE	330,154	NO CHANGE	412,693

PREPARED BY:
ALASKA DIVISION OF INSURANCE
4-21-87

23,996,550 1,909,958 2,567,072 4,744,041 6,845,526 9,467,482



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Commerce & Econ. Dev.	ISSUES Insurance	BILL NUMBER HB 355	SPONSOR Labor & Commerce Committee
SHORT TITLE OF BILL: AN ACT relating to imposition of a uniform insurance premium tax; and providing for an effective date.			
DEPARTMENT POSITION Neutral			
PREPARED BY <i>[Signature]</i>	DATE 4/8/89	EXAMINER'S SIGNATURE <i>[Signature]</i>	DATE 16/11

SUMMARY

OTHER AGENCIES AFFECTED BY BILL None	AGENCY(IES) AFFECTED BY BILL Insurers
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Blue Cross of Washington and Alaska Medical Indemnity Corp. of Alaska Title Insurance Companies

FEDERAL REPORT NONE FEDERAL NOTE ATTACHED

ANALYSIS OF BILLOUTCOME EFFECTS

See attached.

AMENDMENTS PROPOSED

See attached.

**STATE OF ALASKA
1989 LEGISLATIVE SESSION**

BILL VERSION: _____
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act relating to imposition of a BRU: Insurance
uniform insurance premium tax; and providing for an effective date
 Sponsor: _____ Components: Operations
 Requester: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE			1,728.4	1,728.4	1,728.4	1,728.4
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FUNDING: (Thousands of dollars)

GENERAL FUND			1,728.4	1,728.4	1,728.4	1,728.4
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary.)

SEE ATTACHED PAGE

Prepared by: Joan Brown, Administrative Officer
 Division: Insurance

Phone: 465-2597
 Date: _____

Approved by Commissioner: Larry Merculieff
 Agency: Department of Commerce & Economic Development

Phone: 465-2500
 Date: _____

- Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

ANALYSIS

It appears that this legislation would generate the following additional revenue:

Section 1	- Hospital and Medical Service Corporations	\$1,351,911.00
Section 2	- Wet Marine and Transportation Insurance	134,724.00
Section 4	- Independently Procured Insurance	[3,000.00]
Section 6	- Title Insurance Companies	148,224.00
Section 7	- MICA	<u>26,557.00</u>
	NEW REVENUE	<u>\$1,728,416.00</u>

5210D-2
091289b

6-1382E
Ford
11/22/89

Original sponsor: Labor and Commerce Committee

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 355 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to imposition of a uniform insurance
7 premium tax; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 21.09.210(b) is repealed and reenacted to read:

10 (b) By April 1 of each calendar year, an authorized insurer, or
11 formerly authorized insurer with respect to premiums received while an
12 authorized insurer in this state, shall pay to the director a tax
13 equal to 2.7 percent of the total direct premium income received
14 during the preceding calendar year for insuring property or risks
15 resident, located, or to be performed in the state. In computing the
16 tax due under this subsection, an insurer may deduct from total direct
17 premium income applicable cancellations, returned premiums, the unab-
18 sorbed portion of any deposit premium, all policy dividends, unab-
19 sorbed premiums refunded to policyholders, refunds, savings, savings
20 coupons, and other similar returns paid or credited to a policyholder.
21 A deduction from direct premium income may not be made for the cash
22 surrender value of a policy. Consideration received for an annuity
23 contract may not be considered direct premium income and is not sub-
24 ject to tax imposed by this subsection. The director may adopt
25 regulations that require tax payments be made on other than an annual
26 basis.

27 * Sec. 2. AS 21.09.210(d) is repealed and reenacted to read:

28 (d) An authorized insurer who issues a wet marine or transporta-
29 tion contract in this state shall pay the tax imposed under (b) of

1 this section on the insurer's gross underwriting profit in the preced-
2 ing calendar year. The gross underwriting profit is computed by
3 deducting from net premiums the net losses paid during the preceding
4 calendar year. In the case of an insurer issuing participating con-
5 tracts, the gross underwriting profit may not include an amount re-
6 funded or paid as a participation dividend by the insurer to the
7 holder of the contract.

8 * Sec. 3. AS 21.09.210 is amended by adding a new subsection to read:

9 (j) The commissioner of administration shall separately account
10 for premium taxes collected by the division of insurance that the
11 division deposits in the general fund. The annual estimated balance
12 in the account may be appropriated by the legislature to the Alaska
13 medical malpractice matching fund under AS 21.88.310.

14 * Sec. 4. AS 21.33.055(a) is repealed and reenacted to read:

15 (a) Except for a premium received for lawfully procured surplus
16 lines insurance or a premium received for independently procured
17 insurance on which a tax has been paid under AS 21.33.061, a premium,
18 membership fee, assessment, or other consideration received for insur-
19 ance issued by a nonadmitted insurer is subject to the tax imposed
20 under AS 21.09.210(b). Insurance on subjects resident, located, or to
21 be performed in this state procured through negotiation or applica-
22 tion, in whole or in part occurring in or out of this state, or for
23 which premiums in whole or in part are remitted directly or indirectly
24 from in or out of this state, shall be considered to be insurance
25 procured, continued, or renewed in this state. On default of a nonad-
26 mitted insurer in the payment of the tax, the insured shall pay the
27 tax to the director as required under AS 21.09.210(b). If the tax
28 prescribed under AS 21.09.210(b) is not paid when due the tax shall be
29 increased by a penalty of 25 percent and by an additional penalty not

1 to exceed \$100 a day from the date the payment was due to the date
2 paid.

3 * Sec. 5. AS 21.33.061(c) is repealed and reenacted to read:

4 (c) A premium, membership fee, assessment, or other considera-
5 tion received for insurance issued by a nonadmitted insurer is subject
6 to the tax imposed under AS 21.09.210(b).

7 * Sec. 6. AS 21.33.061(e) is amended to read:

8 (e) If the insured fails to withhold from the premium the amount
9 of tax levied, the insured is liable for the amount and shall pay the
10 tax to the director as required under AS 21.09.210(b) [WITHIN THE TIME
11 STATED IN (c) OF THIS SECTION]. If the tax prescribed under AS 21.-
12 09.210(b) [BY THIS SECTION] is not paid when due [WITHIN THE TIME
13 STATED IN (c) OF THIS SECTION], the tax shall be increased by a penal-
14 ty of 25 percent and by [THE AMOUNT OF] an additional penalty not to
15 exceed \$100 per day from the date the payment was due to the date
16 paid.

17 * Sec. 7. AS 21.66.110 is repealed and reenacted to read:

18 Sec. 21.66.110. ANNUAL TAX ON TITLE INSURANCE PREMIUMS. A title
19 insurance company shall pay the tax imposed under AS 21.09.210(b) on
20 gross title insurance premiums received during the calendar year.

21 * Sec. 8. AS 21.88.060 is repealed and reenacted to read:

22 Sec. 21.88.060. PREMIUM TAX EXEMPTION. Premium income received
23 by the corporation for insurance issued under this chapter is exempt
24 from taxation.

25 * Sec. 9. AS 21.09.210(h) is repealed.

26 * Sec. 10. APPLICABILITY. This Act applies to insurance policies that
27 are issued or renewed on or after the effective date of this section.

28 * Sec. 11. Section 3 of this Act takes effect on the effective date of
29 an Act establishing the Alaska medical malpractice matching fund.

1 * Sec. 12. Except for sec. 3 of this Act, this Act takes effect July 1,
2 1990.
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6-1382H
Ford
1/24/90

Original sponsor(s): LABOR & COMMERCE COMMITTEE

1 IN THE HOUSE

BY THE LABOR & COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 355 (L&C)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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7 providing for an effective date."

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10 (b) Except for a hospital and medical service corporation, by
11 April 1 of each calendar year, an authorized insurer, or formerly
12 authorized insurer with respect to premiums received while an autho-
13 rized insurer in this state, shall pay to the director a tax on gross
14 premium income received during the preceding calendar year for insur-
15 ing property or risks resident, located, or to be performed in the
16 state at the rate of 2.7 percent. By April 1 of each calendar year, a
17 hospital and medical service corporation shall pay to the director a
18 tax on gross premium income received during the preceding calendar
19 year for health care insurance at the rate of six percent of gross
20 premium income less claims paid. In computing the tax due under this
21 subsection, an insurer may deduct from gross premium income applicable
22 cancellations, returned premiums, the unabsorbed portion of any de-
23 posit premium, all policy dividends, unabsorbed premiums refunded to
24 policyholders, refunds, savings, savings coupons, and other similar
25 returns paid or credited to a policyholder. A deduction from gross
26 premium income may not be made for the cash surrender value of a
27 policy. Consideration received for an annuity contract may not be
28 considered gross premium income and is not subject to tax imposed by
29 this subsection. The director may adopt regulations that require tax

1 payments be made on other than an annual basis.

2 * Sec. 2. AS 21.09.210 is amended by adding a new subsection to read:

3 (j) The commissioner of administration shall separately account
4 for premium taxes collected by the division of insurance that the
5 division deposits in the general fund. The annual estimated balance
6 in the account may be appropriated by the legislature to the Alaska
7 medical malpractice matching fund under AS 21.88.310.

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11 insurance on which a tax has been paid under AS 21.33.061, a premium,
12 membership fee, assessment, or other consideration received for insur-
13 ance issued by a nonadmitted insurer is subject to the tax imposed on
14 insurers other than hospital and medical service corporations under
15 AS 21.09.210(b). Insurance on subjects resident, located, or to be
16 performed in this state procured through negotiation or application,
17 in whole or in part occurring in or out of this state, or for which
18 premiums in whole or in part are remitted directly or indirectly from
19 in or out of this state, shall be considered to be insurance procured,
20 continued, or renewed in this state. On default of a nonadmitted
21 insurer in the payment of the tax, the insured shall pay the tax to
22 the director as required under AS 21.09.210(b). If the tax imposed
23 under this subsection is not paid when due the tax shall be increased
24 by a penalty of 25 percent and by an additional penalty not to exceed
25 \$100 a day from the date the payment was due to the date paid.

26 * Sec. 4. AS 21.33.061(c) is repealed and reenacted to read:

27 (c) A premium, membership fee, assessment, or other considera-
28 tion received for insurance issued by a nonadmitted insurer is subject
29 to the tax imposed on insurers other than hospital and medical service

1 corporations under AS 21.09.210(b).

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4 of tax levied, the insured is liable for the amount and shall pay the
5 tax to the director as required under AS 21.09.210(b) [WITHIN THE TIME
6 STATED IN (c) OF THIS SECTION]. If the tax imposed under [PRESCRIBED
7 BY] this section is not paid when due [WITHIN THE TIME STATED IN (c)
8 OF THIS SECTION], the tax shall be increased by a penalty of 25 per-
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19 from taxation.

20 * Sec. 8. AS 21.09.210(d) and 21.09.210(h) are repealed.

21 * Sec. 9. APPLICABILITY. This Act applies to insurance policies that
22 are issued or renewed on or after the effective date of this section.

23 * Sec. 10. Section 2 of this Act takes effect on the effective date of
24 an Act establishing the Alaska medical malpractice matching fund.

25 * Sec. 11. Except for sec. 2 of this Act, this Act takes effect July 1,
26 1990.

6-1382H
Ford
12/27/89

Original sponsor(s): LABOR & COMMERCE COMMITTEE

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26 premium income may not be made for the cash surrender value of a
27 policy. Consideration received for an annuity contract may not be
28 considered gross premium income and is not subject to tax imposed by
29 this subsection. The director may adopt regulations that require tax

1 payments be made on other than an annual basis.

2 * Sec. 2. AS 21.09.210(d) is repealed and reenacted to read:

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4 tion contract in this state shall pay a tax at the rate imposed on
5 insurers other than hospital and medical service corporations under
6 (b) of this section on the insurer's gross underwriting profit in the
7 preceding calendar year. The gross underwriting profit is computed by
8 deducting from net premiums the net losses paid during the preceding
9 calendar year. In the case of an insurer issuing participating con-
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1 from taxation.

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3 * Sec. 10. APPLICABILITY. This Act applies to insurance policies that
4 are issued or renewed on or after the effective date of this section.

5 * Sec. 11. Section 3 of this Act takes effect on the effective date of
6 an Act establishing the Alaska medical malpractice matching fund.

7 * Sec. 12. Except for sec. 3 of this Act, this Act takes effect July 1,
8 1990.

H B

368

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 8, 1990

FURTHER REFERRALS: FINANCE

Date of Committee Action: 1/25/90

The LABOR & COMMERCE Committee considered:

HB 368

HOUSE BILL NO. 368

CONSTRUCTION STNDS FOR AHFC HOUSING LOANS

"An Act relating to residential housing assistance provided by the Alaska Housing Finance Corporation."

RECOMMENDATIONS:

- be replaced with CS HB 368 (L+C) the same title
 a new title
- have attached amendment(s)
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS.

SIGNING:

(Check approb. column)

Do Not
Pass
No Rec
Amend

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING:	Do Not Pass	No Rec	Amend
<u>[Signature]</u>		—	
<u>[Signature]</u>		—	

[Signature]

Chairman's Signature

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CSHB 368 (L & C)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: _____
 Title: Construction Stds for Housing Eligible for AHFC Financing Agency: Alaska Housing Finance Corporation
 Sponsor: Rep. Swackhamer Components: _____
 Requester: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-


FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Judith DeSpain 
 Division: Alaska Housing Finance Corporation Page: 561-1900
 Approved by Commissioner: Hugh Malone Date: 1/30/90
 Agency: Department of Revenue

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requester
 Office of Management and Budget
 Impacted Agency(ies)

**FISCAL ANALYSIS
SB 368**

The cost to AHFC to implement the provisions of this legislation are negligible, as the onus for ensuring compliance rests with the lender, not AHFC. AHFC activity will be limited to the routine adding and publicizing of a new underwriting requirement which must be met by the lender before a commitment to purchase can be issued.

Inspections will be done by non-AHFC personnel. Costs of inspections ultimately will be borne by borrowers.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Construction Standards for
Housing Eligible for Loans
Sponsor: Rep. Swackhammer
Requester: _____

Agency Affected: _____
ARJ, Alaska Housing Finance Corporation
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

We have examined this legislation and find no fiscal impact with respect to the Corporation's involvement.

Prepared by: Judith DeSpain Phone: 561-1900
Division: Alaska Housing Finance Corporation Date: 5/8/90
Approved by Commissioner: Hugh Malone Date: _____
Agency: Department of Revenue

Distribution (by preparer):
Legislative Persons
Legislative Sponsor
Requester
Office of Management and Budget
Impacted Agency(ies)

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. SWACKHAMMER

TO: HB 368

Page 2, line 1:

Delete "LOANS OR"

Page 2, lines 2 - 3:

Delete "the effective date of this section"

Insert "June 30, 1991,"

Page 2, line 3:

Delete "borrower"

Insert "seller of the mortgage loan"

Page 2, line 4, after "section":

Insert "and unless"

Page 2, lines 5 - 8:

Delete all material.

Reletter the following subsections accordingly.

Page 2, line 28:

Delete "approval of"

Insert "a commitment to purchase or approve"

Page 2, line 28, after "loan":

Insert "for residential housing that is constructed after June 30, 1991,"

Page 3, line 16:

Delete "(c)"

Insert "(b)"

HB 368

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



House of Representatives

SOLDOTNA
312 TYEE STREET
SOLDOTNA, ALASKA 99669
(907) 262-7841

JUNEAU
BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

SUMMARY OF PROPOSED AMENDMENT TO HB 368

Page 2, Line 1:
Delete "LOANS OR"

This deletion refers to the fact that the seller of the mortgage loan, rather than the borrower, is required to comply with the new section under AS 18.56.300.

* Page 2, Line 2-3:
Delete "the effective date of this section"
Insert "June 30, 1991,"

June 30, 1991, is the date the new construction standards will be effective. Housing constructed before this date is not subject to the new rules.

* Page 2, Line 3:
Delete "borrower"
Insert "seller of the mortgage loan"

The impetus to insure the inspections are undertaken falls on the seller of the mortgage loan (basically the lending institutions) rather than the borrower. As AHFC suggested, it did not seem appropriate for the borrower to be held responsible for compliance of a law, when the borrower may have no interest or responsibility whatsoever in the construction of the housing units.

* Page 2, Line 4, after "section" :
Insert "and unless"

This change reflects that subsection (b) is eliminated.

* Page 2, lines 5-8:

Delete all material.

The change limiting the effect of the new subsection under AS 18.56.300 to mortgages purchased for homes that are constructed after June 30, 1991. This makes subsection (b) obsolete.

* Reletter the following subsections accordingly.

Again, due to the elimination of subsection (b).

* Page 2, line 28:

Delete "approval of"

Insert "a commitment to purchase or approve"

Suggested language change by AHFC. When acting as a secondary lender, AHFC does not make the loan.

* Page 2, line 28, after "loan":

Insert "for residential housing that is constructed after June 30, 1991,"

Language to clarify that the bill impacts only those residential housing projects that are constructed after June 30, 1991.

* Page 3, line 16:

Delete "(c)"

Insert "(b)"

Reference to amendment that eliminated subsection (b) on page 2.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REP. SWACKHAMMER

TO: HB 368

Page 2, line 1:

Delete "LOANS OR"

Page 2, lines 2 - 3:

Delete "the effective date of this section"

Insert "June 30, 1991,"

Page 2, line 3:

Delete "borrower"

Insert "seller of the mortgage loan"

Page 2, line 4, after "section":

Insert "and unless"

Page 2, lines 5 - 8:

Delete all material.

Reletter the following subsections accordingly.

Page 2, line 28:

Delete "approval of"

Insert "a commitment to purchase or approve"

Page 2, line 28, after "loan":

Insert "for residential housing that is constructed after June 30, 1991,"

Page 3, J e 16:

Delete "(c)"

Insert "(b)"

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465-3800

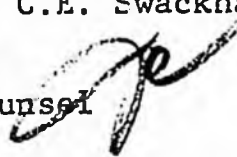
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1990

SUBJECT: House Bill 368: Response to comments to
Fairbanks ICBO officials

TO: Representative C.E. Swackhammer

FROM: Jack Chenoweth
Legislative Counsel 

I'm not a building code expert, but let me share with you why I think the suggestions on page 2 of the December 6 letter of the Fairbanks ICBO officials urging blanket revisions in code enforcement ought not to be incorporated into this measure.

The legislature has been marvelously inconsistent as to the manner in which it has directed code adoption and enforcement. In AS 18.60.580, the legislature has, by statute, adopted a version of the National Electrical Code. In AS 18.60.705, it has directed the commissioner of labor to adopt a particular version of the Uniform Plumbing Code. As the letter infers, in AS 18.70.080, the legislature has merely said to the commissioner of public safety it is that official's responsibility to determine minimum fire safety provisions; it is on the basis of this authority that certain segments, but not all, of the Uniform Building Code and Uniform Mechanical Code have been adopted.

Perhaps the legislature's inconsistency is intentional; perhaps it is a reflection of political realities or political considerations. Not having had much recent experience with these subjects, I don't know.

Your bill recognizes the existing statutory and regulatory nuances. Since the measure is the vehicle by which you are proposing to improve the standards of AHFC-related housing (and not all buildings and structures), the ICBO request outlined on page 2 is far broader in scope and implications than the subject matter in this measure. If you follow the suggestion urging adoption of all sections of applicable

Representative C.E. Swackhammer
Page 2
January 20, 1990

codes, the legislation would have to be recast in both its title and substantive content.

Let me also say a word about trying to respond to the suggestion that "the most recent version" of a particular code be followed. The building, mechanical, etc. codes in question are "adopted" by national (or international) groups, and it is probably well that they do not automatically become law in this state without either enactment of a statute (as is the case with AS 18.60.580 and 18.60.705) or adoption or readoption of a regulation (as would have to be done under AS 18.70.080). Current administrative law and practice is to deny an agency the right to adopt regulations that say that future amendments as they become effective are also being adopted. The agency must go through the adoption or amendment process. This serves the purpose of giving notice to affected parties of the pending proposed changes and of allowing periodic opportunity for meaningful review of the proposed changes before they become effective. The practice, I suggest, should guide the legislature in its handling of code adoption and amendment considerations.

On the other hand, enactment of your bill should not result in no practical improvement to the situation you are trying to address. If, as is noted in the last paragraph of page 1 of the letter, the absence from the Uniform Building Code adopted by the commissioner of public safety of chapters 23 through 29 excludes any standards applicable to "floor, roof, wall, and structural frame design requirements intended to resist snow, wind, and earthquake loads . . .," it would mean that no standards applicable to residential housing are in place under the Uniform Building Code.

To correct what may be a serious omission in the legislation, the legislature would need to adopt, for purposes of AHFC loan review and approval, the specific provisions recommended by the officials. These provisions either should be specifically referenced in the definition of state building code applicable to building and mechanical standards or the commissioner should be directed to adopt these missing pieces or eliminate the exemptions, as applicable.

I therefore recommend that your staff:

(1) promptly respond to the officials' invitation to "be of any help in furthering the bill" by asking them to identify the specific provisions applicable to residential

Representative C.E. Swackhammer
Page 3
January 20, 1990

housing that need to appear in law in order to make this a workable and useful piece of legislation;

(2) secure from the officials their interpretation or citation of "the exemptions for small residential dwellings" (letter of December 6 at page 2, lines 3 and 4) so that you may determine whether or not you want to eliminate that exemption.

Accurate written responses may make my drafting task go a lot faster.

If this information is not forthcoming from the officials who provided the letter, then it should be elicited in testimony on the bill during deliberations by the Labor and Commerce Committee. The changes you want to make could then be accommodated during bill mark-up.

The current building code and mechanical code references appear in 13 AAC 50.020(a) and (b). If further refinement of the legislation is requested or required, does your office have copies of these volumes?

*

Do you wish to do anything in response to the reference to the "uniform fire code" reference (letter of December 6, page 2, paragraph 2)? There is no reference to fire code in HB 368 as introduced.

*

Thank you for the opportunity to comment. If this memorandum prompts questions, please contact me.

JBC:lmb
L9/064

HB 368



Alaska Northern Chapter of ICBO

P.O. Box 73437 • Fairbanks, Alaska 99707-3437

December 6, 1989

Representative C. E. Swackhammer
312 Tyee Street
Soldotna, AK 99699

Ref: "An act relating to residential housing assistance
provided by the Alaska Housing Finance Corporation.

Dear Rep. Swackhammer:

We have received a draft of your proposed bill establishing construction standards for AHFC financed housing. Sylvester "Sam" Neal, Director of the Division of Fire Prevention / Department of Public Safety, has asked that we review your bill and forward our comments to you.

Your efforts are desperately needed to insure that the houses financed by AHFC are properly constructed. Members of our organization have inspected numerous repossessed houses in the Fairbanks area which have had serious plumbing, electrical and structural deficiencies and which violated some of the basic standards pertaining to life safety.

Your bill can significantly improve the situation identified, but not without more specific language regarding codes. The bill's reference to the "State Building Code" as found in AS 18.70.080 as the minimum building and mechanical standards is simply inadequate and fails to provide the protection intended.

Few people are aware of the fact that the Department of Public Safety has not adopted significant portions of the Uniform Building Code. Specifically, Chapters 23 through 29, (Engineering Regulations - Quality and Design of the Materials of Construction) are not included. These portions of the code address floor, roof, wall and structural frame design requirements intended to resist snow, wind and earthquake loads in masonry, wood, concrete, steel and foundation construction. Also, AS 18.70.080 exempts all residential construction from single family through four-plexes.

In light of these facts, we recommend the following:

1. The Department of Public Safety, under AS 18.70.080, should adopt all sections of the applicable codes and remove the exemptions for small residential dwellings. This is probably the most straight-forward approach and is what many citizens perceive to be the case now.

If the Department of Public Safety is not able to adopt all sections of the codes in a complete and timely manner, then:

2. This bill should require housing units to comply with the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Fire Code and National Electrical Code. (List each of these documents individually in the bill).

Or, as a third alternative:

3. To allow conformance to the standards of the nearest municipality which has currently adopted and enforces the aforementioned building codes. This would allow construction and inspection to standards which are familiar to the residents of the local area, and as well, offer a regional source for code interpretation and information.

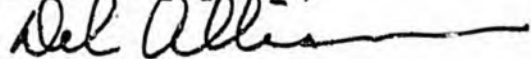
Or, as a fourth alternative:

4. Include within the bill provisions for the utilization of the CABO One and Two Family Dwelling Code as the standard for residential building construction. Though not as comprehensive as the previously mentioned codes, this compact document offers condensed provisions for building, plumbing, mechanical, and electrical construction of one and two family dwellings.

We are very encouraged to see that you are concerned with the problems of substandard housing in Alaska and the cost to all Alaskans that these problems entail. We are pleased that you are taking action by introducing legislation to address these issues.

If we can be of any help in the furthering of this bill, please do not hesitate to contact us.

Sincerely yours,



Del Allison, President
Phone 456-8468



Vince Meurlott, Code Development Committee
Phone 459-6720



HB368

520 East 34th St.
Anchorage, AK 99503
(907) 561-1900

P.O. Box 101020
Anchorage, AK 99510

January 22, 1990

The Honorable Dave Donley
Chairman
House Labor and Commerce Committee
P.O. Box V
Juneau, Alaska 99811

RE: HB 368

Dear Representative Donley:

I am pleased to offer comments on House Bill 368, which adds a new section AS 18.56.300 entitled CONSTRUCTION STANDARDS FOR HOUSING ELIGIBLE FOR LOANS OR PURCHASE OF LOANS.

In general, we agree that the philosophy and concept of building code compliance are sound. Certainly, it makes good sense from an underwriting perspective to ensure that the housing product financed meets a minimum standard of structural integrity and safety, enhancing the economic life of the property and thus protecting the Corporation's investment.

There are, however, some technical issues in the bill that we would like to call to your attention for possible refinement.

1. Section 18.56.300 (a) reads in part that AHFC may not make or purchase a loan after the effective date unless the borrower complies with the provisions of this section.

It does not seem appropriate for the borrower to be held responsible for compliance when he or she in most cases has no interest or responsibility in the construction of the housing.

Further, AS 18.56.900(12) defines "residential housing" very broadly, encompassing duplexes, triplexes, four-plexes, condominiums, etc. It is difficult to comprehend how a borrower could be held responsible if a unit of any of these types were involved.

The Honorable Dave Donley
January 22, 1990
Page 2

2. Section 18.56.300(c) specifies that AHFC shall require inspection of the unit of residential housing as a condition of a loan approval.

The section outlines five states of construction, each of which requires inspection by an "authorized" inspector. As written, it is unclear whether AHFC's approval is required at each stage of construction completion, or on final inspection only. AHFC's involvement in the inspection process is problematic from the standpoint of potential liability in the event of a future structural failure or similar event.

3. The bill does not address the cost involved in providing the required inspection. Is it to be assumed that added cost is ultimately to be passed on to the purchaser of the unit? A related issue is the impact on local building code enforcement programs and staffing.
4. We question how viable this requirement may be in rural communities. Although an ICBO-certified inspector may perform the inspection, it is likely in rural areas that these individuals will also be builders or contractors, thus raising the potential for conflict of interest or falsified certification documents.

Thank you for the opportunity to offer constructive comment on this proposed legislation. If I can provide further information or technical assistance in this matter, please do not hesitate to call.

Sincerely,



Thomas C. Behan
Chief Executive Officer/Executive Director

lb

cc: The Honorable Paul Fischer

HB 368

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



1001 / 2021091

JUNEAU

BOX V

JUNEAU, ALASKA 99811

(907) 465-2689

House of Representatives

MEMORANDUM

TO: Rep. Dave Donley
House Labor and Commerce Committee

FROM: Rep. C.E. Swackhammer *Swack*

DATE: January 12, 1990

RE: Request for House Bill 368 Hearing

Please consider this request to hear House Bill 368, an act relating to residential housing assistance provided by the Alaska Housing Finance Corporation.

This proposed legislation was introduced to insure that houses financed by AHFC are properly constructed, thereby protecting consumers from buying a house that has deficiencies which pertain to life safety.

After researching this issue, it is apparent that some legislative action is required to protect both the home owner and the lending institutions.

A sectional analysis is provided with this memorandum.

If you have any questions in regards to this bill, please contact either Tom Wright of my staff or myself.

Thank you for considering this request.

CES/tw

JAN 1 1990

REPRESENTATIVE
C.E. "SWACK" SWACKHAMMER

Alaska State Legislature



SOLDOTNA
312 TYEE STREET
SOLDOTNA, ALASKA 99699
(907) 262-7841

JUNEAU
BOX V
JUNEAU, ALASKA 99811
(907) 465-2689

House of Representatives

January 12, 1990

SECTIONAL ANALYSIS FOR HOUSE BILL 368

SECTION ONE: Incorporates language that refers to new section (AS 18.56.300) that will be added to existing statutes.

SECTION TWO: New section added to AS 18.56.

(a) AHFC may not make or purchase a housing loan unless the borrower complies with the provisions of the new language (as defined under AS 18.56.300).

(b) Outlines the new conditions under which AHFC may make or approve purchase of a loan for the construction of a new unit of residential housing. These conditions include:

(1) Compliance with the construction codes of a municipality, if the building is within a municipality that has adopted and enforces a construction code that meets or exceeds the standards established by the state building code; or

(2) Compliance with the standards established by the state building code if the residential unit is located within a municipality whose construction code does not meet the standards of the state building code, within a municipality that does not enforce a building code, outside a municipality or if a municipal code does not meet the standards as described in state building codes, then the specific state code will take precedence over the code adopted by a municipality.

(c) Requires that the inspection be performed by a municipal building inspector or by a person who is approved or certified by the International Conference of Building Officials. The person who is conducting the inspections will make a determination whether the construction conforms to municipal construction or state building codes at each of these stages of construction:

- (1) Plan approval;
- (2) Completion of footings and foundations;
- (3) Completion of electrical, plumbing and framing;
- (4) Completion of installation of insulation; and
- (5) Final approval.

(d) A hold harmless clause that protects the person conducting the inspection from claims for damages if the claim is based on the person's inspection or failure to inspect for a violation of the municipal code or the U.B.C. as a condition of approval of a housing loan.

(e) Definitions:

- (1) Construction code refers to a municipality, the building, mechanical, plumbing and electrical codes or any of them that have been adopted and enforced by the municipality.
- (2) State building code refers to the minimum building and mechanical code adopted by regulation by the Department of Public Safety under A.S. 18.70.080; minimum plumbing code adopted by the Department of Labor under A.S. 18.60.705; and the minimum electrical standards prescribed by A.S. 18.60.580.

H B

3 9 5

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 8, 1990

FURTHER REFERRALS: LABOR & COMMERCE

Date of Committee Action: 2/8/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 395

HOUSE BILL NO. 395

APPLICANTS FOR PHARMACISTS' LICENSES

"An Act relating to applicants for pharmacy licenses."

RECOMMENDATIONS:

- be replaced with CSHA 395 (HESS) the same title a new title
- have attached amendment(s);
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- fiscal impact _____
- zero fiscal note _____
- zero with analysis C.F.E.D
- fiscal note(s) _____
- zero fiscal note(s) _____
- zero fn/analysis _____

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]
 Cheri Davis
 Gary [unclear]
 Mark Boye
 Peter [unclear]

SIGNING:
(Check approp. column)

	Do Not Pass	No Rec	Amend

[Signature]
Chairman's Signature

BY REP. KOPONEN

1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 395
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to applicants for pharmacist li-
7 censes."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08.80.110 is amended to read:

10 Sec. 08.80.110. QUALIFICATIONS FOR REGISTRATION. An applicant
11 for registration as a pharmacist shall

12 (1) be fluent in the reading, writing, and speaking of the
13 English language;

14 (2) furnish the board with at least two affidavits from
15 reputable citizens, that the applicant has known for at least one
16 year, attesting to the applicant's good moral character and freedom
17 from addiction to the use of drugs or alcoholic liquors;

18 (3) be a graduate of a college of pharmacy recognized by
19 the American Council on Pharmaceutical Education or, if the applicant
20 has received a bachelor of science degree in pharmacy or an equivalent
21 degree from an institution located outside of the United States and
22 its territories, possess the Foreign Pharmacy Graduate Equivalency
23 Committee certificate issued by the Foreign Pharmacy Graduate Equiva-
24 lency Committee of the National Association of Boards of Pharmacy
25 Foundation [AMERICAN ASSOCIATION OF COLLEGES OF PHARMACY];

26 (4) pass an examination by a board of pharmacy which has
27 been approved by the National Association of Boards of Pharmacy;

28 (5) have completed at least 1,500 hours of internship
29 training under the direct supervision of a licensed pharmacist in a

1 licensed pharmacy, 160 hours of which must have been completed after
2 graduation.

3 * Sec. 2. AS 08.80.116(b) is amended to read:

4 (b) An applicant for license as a pregraduate pharmacist must
5 meet the requirements of AS 08.80.110(1) and (2) and must be enrolled
6 in a pharmacy school recognized by the American Council on Pharma-
7 ceutical Education [AMERICAN ASSOCIATION OF COLLEGES OF PHARMACY] as a
8 junior. An applicant may be on recognized vacation from the pharmacy
9 school. However, the vacation may not exceed one quarter or one semes-
10 ter. The pregraduate internship pharmacist shall pay the required
11 fee.

12 * Sec. 3. AS 08.80.480(13) is repealed.
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FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to applicants
for pharmacy licenses.
Sponsor: Rep. Koponen
Requestor: House HESS

Agency Affected: Commerce & Economic Dev.
BRU: Occupational Licensing
Components: All

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
----------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

The bill amends pharmacy education requirements for licensure. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
Division: Occupational Licensing Date: 1-16-90

Approved by Commissioner: Larry Mercurieff Date: 1/11/90
Agency: Commerce and Economic Development

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Alaska State Legislature
Representative Niilo Koponen

Pouch V
Juneau, Alaska 99811
(907) 465-4992


House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

M E M O R A N D U M

DATE: February 14, 1990

TO: Representative Dave Donley, Chair
House Labor and Commerce Committee

FROM: Representative Niilo Koponen 

RE: Scheduling request for CSHB 395 (HESS)

.....
Please schedule CSHB 395 (HESS), relating to licensure of
foreign educated pharmacists, at your earliest convenience.

This piece of legislation is supported by both the State Board of Pharmacy and the Division of Occupational Licensing. The Department of Commerce and Economic Development has attached a "zero" fiscal note. In short, this bill appears to be fairly noncontroversial.

If you require further information or backup, please contact my staffperson Drena McIntyre at 465-4992.

Thank you very much for your serious consideration of my request.

NK.dm

Attachments

Chapter 689

1987 REPLACEMENT PART

Pharmacists; Drug Outlets; Drug Sales

- GENERAL PROVISIONS**
- 689.005 Definitions
689.015 "Practice of pharmacy" defined
689.025 Policy; purpose
689.035 Short title
689.045 Severability
- STATE BOARD OF PHARMACY**
- 689.115 Membership; qualifications; appointment; vacancy
689.125 Term of office; removal
689.135 General powers of board
689.145 Enforcement powers of board
689.155 Authority of board over medications, drugs, devices and other materials
689.165 Officers; executive director
689.175 Compensation of board members and director
689.185 Meetings
689.195 Employees
689.205 Rulemaking
- PRACTICE OF PHARMACY**
- 689.225 When license required; exceptions; possession of drugs; penalty
689.245 Licensing; standards; discipline
689.255 Qualifications for licensure by examination
689.265 Qualifications for licensure by reciprocity
689.275 Renewal of licenses
689.285 Continuing pharmacy education; advisory committee; fees
- REGULATION OF DRUG OUTLETS**
- 689.305 Registration of drug outlets
689.315 Application
689.325 Required information
689.335 Certificate required; reinstatement
- DISCIPLINE**
- 689.405 Grounds for discipline; procedure as contested case
689.445 Penalties and reinstatement
689.455 Report of suspected violations; liability for reporting; confidentiality of report
- REQUIREMENTS RELATING TO SALES**
(Generally)
- 689.505 Labeling requirements
689.515 Generic drugs; civil penalties
689.525 Out-of-state prescriptions
- 689.535 Regulation of specific substances
(DMSO)
689.545 Dimethyl sulfoxide regulation
(Temporary provisions relating to DMSO are compiled as notes following 689.545.)
(Others)
689.555 Agricultural drugs, nonprescription drugs and certain other substances
- MISCELLANEOUS**
- 689.605 Hospital pharmacies and drug rooms
689.615 Display of certificate or license
- PROHIBITED PRACTICES**
- 689.765 Prohibited practices
- CIVIL PENALTIES AND PROCEDURES**
- 689.832 Civil penalty for violation of ORS 689.535
689.837 Schedule of civil penalties
689.842 Factors to be considered in imposing civil penalty
689.847 Order assessing penalty; appeal; effect if penalty not paid
689.852 Judicial review
689.857 Disposition of penalties
- CRIMINAL PENALTIES**
- 689.895 Criminal penalties
- CROSS REFERENCES**
- Administrative procedures and rules of state agencies, 183.310 to 183.550
Application of Ch. 690, 690.025
Contraceptives, regulations governing sale, 435.010 to 435.130
Deaths or injuries, report, Ch. 146
Drugs, dangerous, criminal offenses, 167.202 to 167.252
Drugs within racing inclosure, regulation, 462.450
Experimental drugs, 475.305 to 475.375
Hazardous substances, regulation, 453.005 to 453.185
Health care facility license, disclosure of pharmacy interest, 441.025
Legislative review of need for agency, 182.615
Narcotics, criminal offenses, 167.202 to 167.252
Pesticide control, Ch. 634
Poisons, sale or delivery to minors prohibited, 453.085
Prescriptions of physicians need not be in English, 192.310
Purchase, possession and administering sodium pentobarbital to domestic pets and other animals, 475.190

689.235 [1969 c.514 §8; repealed by 1977 c.842 §45 and 1979 c.777 §59]

689.240 [Amended by 1963 c.96 §3; 1967 c.183 §2; 1969 c.514 §9; repealed by 1977 c.842 §45 and 1979 c.777 §59]

689.245 Licensing; standards; discipline. The State Board of Pharmacy shall be responsible for the control and regulation of the practice of pharmacy in this state including, but not limited to, the following:

(1) The licensing by examination or by reciprocity of applicants who are qualified to engage in the practice of pharmacy under the provisions of ORS 689.005 to 689.995;

(2) The renewal of licenses to engage in the practice of pharmacy;

(3) The determination and issuance of standards based on nationally recognized standards of practice and accreditation criteria for recognition and approval of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, and the specification and enforcement of requirements for practical training, including internship;

(4) The enforcement of those provisions of ORS 689.005 to 689.995 relating to the conduct or competence of pharmacists practicing in this state, and the suspension, revocation or restriction of licenses to engage in the practice of pharmacy; and

(5) The regulation of the training, qualifications and employment of pharmacy interns. [1979 c.777 §18; 1985 c.565 §105]

689.250 [Amended by 1955 c.132 §1; 1963 c.96 §4; 1965 c.580 §6; 1967 c.183 §3; 1969 c.514 §10; 1973 c.612 §24; 1975 c.686 §9; repealed by 1979 c.777 §59]

689.255 Qualifications for licensure by examination. (1) To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

(a) Have submitted a written application in the form prescribed by the board of pharmacy.

(b) Have attained the age of 18 years.

(c) Be of good moral character and temperate habits.

(d) Have completed requirements for the first professional undergraduate degree as certified by a school or college of pharmacy which has been approved by the board.

(e) Have completed an internship or other program which has been approved by the board, or demonstrated to the board's satisfaction experience in the practice of pharmacy which meets or exceeds the minimum internship requirements of the board

(f) Have successfully passed an examination given by the board.

(g) Paid the fees specified by the board for examination and issuance of license.

(2)(a) The examination for licensure required under paragraph (f) of subsection (1) of this section shall be given by the board at least two times during each fiscal year of the state. The board shall determine the content and subject matter of each examination, the place, time and date of administration of the examination and those persons who shall have successfully passed the examination.

(b) The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ and cooperate with any organization or consultant in the preparation and grading of an appropriate examination, but shall retain the sole discretion and responsibility of determining which applicants have successfully passed such an examination.

(3)(a) All applicants for licensure by examination shall obtain professional and practical experience in the practice of pharmacy concurrent with or after college attendance, or both, under such terms and conditions as the board shall determine.

(b) The board shall establish standards for internship or any other program necessary to qualify an applicant for the licensure examination based on nationally recognized standards of practice and shall also determine the necessary qualifications of any preceptors used in any internship or other program.

(4) Any person who has received a first professional undergraduate degree from a school or college of pharmacy located outside the United States which has not been approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in the State of Oregon may be deemed to have satisfied the degree requirements of paragraph (d) of subsection (1) of this section by verification to the board of the academic record and graduation of the person and by meeting such other requirements as the board may establish. The board may require such person to successfully pass an examination or examinations given or approved by the board to establish proficiency in English and equivalency of education of such person with qualified graduates of a degree program referred to in paragraph (d) of subsection (1) of this section as a prerequisite of taking the licensure examination provided for in paragraph (f) of subsection (1) of this section. [1979 c.777 §22; 1987

689.260 [Amended by 1969 c.514 §12; repealed by 1977 c.842 §45 and 1979 c.777 §59]

689.265 Qualifications for licensure by reciprocity. (1) To obtain a license as a pharmacist by reciprocity, an applicant for licensure shall:

(a) Have submitted a written application in the form prescribed by the board.

(b) Have attained the age of 18 years.

(c) Have good moral character and temperate habits.

(d) Have possessed at the time of initial licensure as a pharmacist such other qualifications necessary to have been eligible for licensure at that time in this state.

(e) Have engaged in the practice of pharmacy for a period of at least one year or have met the internship requirements of this state within the one-year period immediately previous to the date of such application.

(f) Have presented to the board proof of initial licensure by examination and proof that such license and any other license or licenses granted to the applicant by any other state or states have not been suspended, revoked, canceled or otherwise restricted for any reason except nonrenewal or the failure to obtain required continuing education credits in any state where the applicant is licensed but not engaged in the practice of pharmacy.

(g) Have successfully passed an examination in jurisprudence given by the board.

(h) Have paid the fees specified by the board for issuance of a license.

(2) No applicant shall be eligible for licensure by reciprocity unless the state in which the applicant was initially licensed as a pharmacist also grants reciprocal licensure to pharmacists duly licensed by examination in this state, under like circumstances and conditions. [1979 c.777 §23]

689.270 [Amended by 1963 c.586 §5; 1969 c.514 §14; repealed by 1977 c.842 §45 and 1979 c.777 §59]

689.275 Renewal of licenses. (1) Each pharmacist shall apply for renewal of license annually no later than June 30. The board shall renew the license of each pharmacist who is qualified to engage in the practice of pharmacy.

(2) The board shall specify by rule the procedures to be followed, in addition to those specified by ORS 689.285, and the fees to be paid for renewal of licenses.

(3)(a) All pharmacists in good standing who have been licensed pharmacists for at least 20

years and who are retired from practice of pharmacy are exempt from further payment of license fees until they again engage in the practice of pharmacy. No retired pharmacist shall engage in the practice of pharmacy without first paying all fees for the year in which the pharmacist resumes practice and producing evidence satisfactory to the board of continued professional competence.

(b) Failure to comply with the requirements of paragraph (a) of this subsection shall be considered the practice of pharmacy without a license. [1979 c.777 §24]

689.280 [1965 c.580 §2; 1967 c.183 §4; 1969 c.514 §13; 1973 c.743 §4; repealed by 1977 c.842 §45 and 1979 c.777 §59]

689.285 Continuing pharmacy education; advisory committee; fees. (1) The Legislative Assembly finds and declares that:

(a) The continuous introduction of new medical agents and the changing concepts of the delivery of health care services in the practice of pharmacy make it essential that a pharmacist undertake a continuing education program in order to maintain professional competency and improve professional skills;

(b) The state has a basic obligation to regulate and control the profession of pharmacy in order to protect the public health and welfare of its citizens; and

(c) It is the purpose of ORS 689.005 to 689.995 to protect the health and welfare of Oregon citizens and to assure uniform qualifications and continued competency of licensed pharmacists by requiring participation in a continuing pharmacy education program as a condition for renewal of licenses to practice pharmacy.

(2) All pharmacists licensed in the State of Oregon on and after October 3, 1979, shall satisfactorily complete courses of study and satisfactorily continue their education by other means as determined by the board in subjects relating to the practice of the profession of pharmacy in order to be eligible for renewal of licenses. However, a pharmacist may elect to meet the continuing pharmacy education requirements by satisfactorily passing an examination given by the board for such purpose. The examinations shall be given no later than eight months prior to the next date for renewal of the annual licenses and the results made known soon thereafter.

(3) A pharmacist who elects to take an examination as provided in subsection (2) of this section and fails to satisfactorily pass such examination shall be entitled to satisfy the continuing pharmacy education requirements by completing

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HB 395: "An Act relating to applicants for pharmacy licenses."

The Department of Commerce and Economic Development supports enactment of HB 395.

The proposed legislation will address a problem of longstanding for the Board of Pharmacy (hereinafter "board") within the Division of Occupational Licensing (hereinafter "division"). Presently, the board has no provision for licensure of pharmacy graduates educated in institutions not recognized by the American Council on Pharmaceutical Education (ACPE) and located outside the United States and its territories (hereinafter "foreign graduates").

Therefore, when foreign graduates apply for licensure, regardless of their qualifications, the board must deny licensure.

Nationally, the National Association of Boards of Pharmacy (NABP) Foundation has responded to this problem by developing course review procedures geared towards determining whether the bachelor of science degree in pharmacy attained by a foreign graduate is substantially equivalent to the degree and learning attained by a graduate of an ACPE accredited school in the United States.

The foreign graduate who possesses an NABP Foreign Pharmacy Graduate Equivalency Committee certificate is considered equivalently educated and is, therefore, eligible for licensure (assuming compliance with other admission criteria) in any state throughout the country.

There exists nationwide a significant shortage of pharmacists and an acute shortage in Alaska. This legislation will enable the state to admit qualified foreign graduates and, concomitantly, potentially improve our ability to meet our employment needs in this area.

The Pharmacy Board chair has discussed this proposed bill with the chair of the NABP Equivalency Committee. As a result of this conversation, one small but important change to the proposed amendments is hereby suggested:

On page 1, line 20, the following language is proposed:

"... has received a bachelor of science degree in pharmacy or its equivalent from an institution"

The NABP Equivalency chair was concerned that not all foreign institutions issue a pharmacy degree as a "bachelor of science degree" and he felt that language allowing a pharmacy degree -- regardless of specific title -- should be provided for in this bill. We request your consideration of this amendment to the bill.

For the above-stated reasons, and with the hopeful adoption of the suggested amendment, the department urges passage of HB 395.



Larry Mercurieff, Commissioner

Date: 12/1/90

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 183-3991
Fax: (907) 183-3351

October 11, 1989

MEMORANDUM

TO: Representative Niilo Koponen

FROM: Paula d. Scavera *PS*
Legislative Analyst

RE: Licensing of Pharmacists Educated in Other Countries
Research Request 90.046 (REVISED)

You asked whether other states license pharmacists who obtain their pharmaceutical education in a foreign country. You also asked what procedures are used to license these pharmacists.

Each state establishes its own licensing requirements for pharmacists. All states, the District of Columbia and Puerto Rico require candidates for a pharmaceutical license to pass a state examination. The District of Columbia and 26 states allow foreign-educated pharmacists to sit for the state examinations on the basis certification by the Foreign Pharmacy Graduate Examination Committee discussed below. In addition to passing the state examination, foreign-educated candidates must fulfill further requirements in some states.

There are three ways for a foreign-educated pharmacist to obtain a license to practice in the United States. They are described below.

FPGEC Examination. Some states allow a foreign-educated pharmacist to sit for a state exam if the candidate has obtained a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate. To obtain this certificate, a candidate must have passed the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) which is given only to four-year graduates with Bachelor's of Science degrees from recognized institutions outside the U.S. The candidate must also score 550 or higher on the Test of English as a Foreign Language. The candidate who has received the FPGEC certificate is allowed to take the state exam.

LICENSING OF FOREIGN-EDUCATED PHARMACISTS

STATE	ALLOW FOREIGN-EDUCATED PHARMACISTS	STATE	ALLOW FOREIGN-EDUCATED PHARMACISTS
ALABAMA	NO	OHIO	YES 1,2,4
ALASKA	NO	OKLAHOMA	NO
ARIZONA	YES 1,2	OREGON	YES 1
ARKANSAS	NO	PENNSYLVANIA	YES 1
CALIFORNIA	YES 3	PUERTO RICO	NO
COLORADO	NO	RHODE ISLAND	NO
CONNECTICUT	NO	SOUTH CAROLINA	YES 1,2
DELAWARE	YES 1,2	SOUTH DAKOTA	YES 1
DISTRICT OF COLUMBIA	YES 1	TENNESSEE	NO
FLORIDA	YES 1,2	TEXAS	NO
GEORGIA	YES 1	UTAH	NO
HAWAII	YES 1,2	VERMONT	YES 1
IDAHO	YES 1	VIRGINIA	NO
ILLINOIS	YES 1,2,5	WASHINGTON	YES 1
INDIANA	NO	WEST VIRGINIA	NO
IOWA	YES 1	WISCONSIN	NO
KANSAS	YES 1,2	WYOMING	NO
KENTUCKY	NO		
LOUISIANA	NO		
MAINE	NO		
MARYLAND	YES 1		
MASSACHUSETTS	NO		
MICHIGAN	YES 1,6		
MINNESOTA	YES 1,2		
MISSISSIPPI	NO		
MISSOURI	NO		
MONTANA	NO		
NEBRASKA	YES 1		
NEVADA	YES 1		
NEW HAMPSHIRE	NO		
NEW JERSEY	YES 1		
NEW MEXICO	NO		
NEW YORK	YES 3		
NORTH CAROLINA	YES 1		
NORTH DAKOTA	YES 1,2		

- 1 FPGE C CERTIFIED APPLICANTS WHO SUCCESSFULLY PASS STATE EXAM MAY BE LICENSED
- 2 PRACTICAL EXPERIENCE REQUIREMENTS MUST BE MET
- 3 FPGE C CERTIFIED APPLICANTS OR APPROVED CREDENTIALS APPLICANTS WHO SUCCESSFULLY PASS STATE EXAM
- 4 TEST OF SPOKEN ENGLISH REQUIRED
- 5 FIVE YEARS OF EDUCATION
- 6 (a) MUST PASS FPGE C (b) TEST OF ENGLISH AND MEET INTERNSHIP REQUIREMENTS. A LIMITED LICENSE SHALL BE ISSUED TO APPLICANTS WHO MEET "a" and "b" IN ORDER TO GAIN INTERNSHIP HOURS

Source: National Council of State Legislatures (NCSL).

Prepared by the Legislative Research Agency, October 1989 (90.046REV).

CORRECTION

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Alaska State Legislature

Legislative Research Agency



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Representative Koponen
October 11, 1989
Page 2

Evaluation of Credentials. New York and California allow some candidates to take the state examination after their credentials have been evaluated and approved by the state licensing board.

"Fast-tracking" in a U.S. University. Some foreign graduates are allowed to enter accredited U.S. schools of pharmacy as advanced students. After graduating these students qualify to take state examinations.

Additional, miscellaneous requirements vary from state to state. Some states do not allow a foreign-trained candidate to receive a license without full U.S. citizenship. Others grant licenses to resident aliens or to candidates who have made a legal declaration of intention to apply for citizenship. One state (Ohio) requires candidates to pass an additional test in spoken English.

Attached is a table which identifies lists the states which allow foreign-educated pharmacists to take a state licensing exam on the basis of FPGE certification (and ad hoc evaluation of credentials) and which do not. Puerto Rico and 24 states will only accept graduation from an accredited U.S. college of pharmacy. The table includes details about individual licensing requirements in states which allow foreign-educated pharmacists to obtain a license. Also attached is a packet of information from the National Association of Boards of Pharmacy Foundation. This packet explains the FPGE certificate.

Attachments

LICENSING OF FOREIGN-EDUCATED PHARMACISTS

STATE	ALLOW FOREIGN-EDUCATED PHARMACISTS	STATE	ALLOW FOREIGN-EDUCATED PHARMACISTS
ALABAMA	NO	OHIO	YES 1,2,4
ALASKA	NO	OKLAHOMA	NO
ARIZONA	YES 1,2	OREGON	YES 1
ARKANSAS	NO	PENNSYLVANIA	YES 1
CALIFORNIA	YES 3	PUERTO RICO	NO
COLORADO	NO	RHODE ISLAND	NO
CONNECTICUT	NO	SOUTH CAROLINA	YES 1,2
DELAWARE	YES 1,2	SOUTH DAKOTA	YES 1
DISTRICT OF COLUMBIA	YES 1	TENNESSEE	NO
FLORIDA	YES 1,2	TEXAS	NO
GEORGIA	YES 1	UTAH	NO
HAWAII	YES 1,2	VERMONT	YES 1
IDAHO	YES 1	VIRGINIA	NO
ILLINOIS	YES 1,2,5	WASHINGTON	YES 1
INDIANA	NO	WEST VIRGINIA	NO
IOWA	YES 1	WISCONSIN	NO
KANSAS	YES 1,2	WYOMING	NO
KENTUCKY	NO		
LOUISIANA	NO		
MAINE	NO		
MARYLAND	YES 1		
MASSACHUSETTS	NO		
MICHIGAN	YES 1,6		
MINNESOTA	YES 1,2		
MISSISSIPPI	NO		
MISSOURI	NO		
MONTANA	NO		
NEBRASKA	YES 1		
NEVADA	YES 1		
NEW HAMPSHIRE	NO		
NEW JERSEY	YES 1		
NEW MEXICO	NO		
NEW YORK	YES 3		
NORTH CAROLINA	YES 1		
NORTH DAKOTA	YES 1,2		

- 1 FPGEC CERTIFIED APPLICANTS WHO SUCCESSFULLY PASS STATE EXAM MAY BE LICENSED
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Source: National Council of State Legislatures (NCSL).

Prepared by the Legislative Research Agency, October 1989 (90.046REV).



foundation

National Association of Boards of Pharmacy Foundation/Bureau of Voluntary Compliance
and

Foreign Pharmacy Graduate Examination Committee

1300 Higgins Road, Suite 103, Park Ridge, Illinois 60068, (312) 698-6227

FOREIGN GRADUATE INFORMATION LETTER

To assist those foreign graduates who wish to become licensed pharmacists in the United States, we have outlined the following requirements for your information and guidance.

LICENSURE

To become a licensed pharmacist you must apply for and receive registration in each state in which you wish to practice. Each state has a board of pharmacy which administers one or more licensure examinations and enforces that state's pharmacy laws and regulations. To acquire initial registration, you must be examined by the board of pharmacy in some specific state.

We recommend that each foreign graduate who wishes to become licensed as a pharmacist in a particular state contact that state's board of pharmacy office for exceptions and/or additional requirements to the following guidelines which that state may require of a foreign graduate.

AGE

The minimum age requirement in all states for licensure or reciprocity is 21 years of age, with the following exceptions:

19 years of age: Alabama

18 years of age: California, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, and West Virginia.

Majority: Idaho and New Mexico.

Legal: Iowa and Kansas.

Adult: Wyoming.

No age requirement: Alaska, Arizona, Mississippi, Montana, Nevada, Oklahoma, South Carolina, Utah and Wisconsin.

CITIZENSHIP

United States citizenship is a requirement for licensure as a registered pharmacist in the following states:

Full United States citizenship: Arkansas, Kentucky, Maine, and Pennsylvania.

Full United States citizenship or legal declaration of intention: Wyoming.

Full United States citizenship, or legal declaration of intention, or resident alien: New Jersey, New York, and Washington.

EDUCATIONAL REQUIREMENTS

In the United States, licensure as a pharmacist requires graduation from a school or college of pharmacy approved by the individual state board of pharmacy or accredited by the American Council on Pharmaceutical Education (ACPE) as published in their official listing. Presently, no colleges of pharmacy located outside of the United States (except for Puerto Rico) are accredited by the ACPE because none have requested review for accreditation purposes. As a result, persons who have graduated from institutions outside the United States are not eligible for licensure examination in most states, the District of Columbia or Puerto Rico.

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National Association of Boards of Pharmacy Foundation/Bureau of Voluntary Compliance
and
Foreign Pharmacy Graduate Examination Committee

1300 Higgins Road, Suite 103, Park Ridge, Illinois 60068, (312) 698-6227

NOTICE

The following states have indicated by survey that they may consider certification by the Foreign Pharmacy Graduate Equivalency Committee (FPGEC) as a qualification to sit for the pharmacy licensure examination (NABPLEX[®] in all states except California). The determination of whether a state will accept the FPGEC certification and what qualifications are necessary for licensure in a state is the prerogative of that state. Such determinations are not made by the Foreign Pharmacy Graduate Examination Committee.

The states that have indicated that they may consider FPGEC certification are:

Arizona	Nevada
California	New Jersey
Delaware	New York
Florida	North Dakota
Georgia	Ohio
Idaho	Oregon
* Illinois	Pennsylvania
Iowa	South Carolina
Kansas	South Dakota
Maryland	Texas
Michigan	Vermont
Minnesota	Washington
Nebraska	

Hawaii has indicated that it is considering or may consider changes in its statute or rules and regulations to accept the FPGEC certificate.

- * Only foreign graduates who have completed 5 year professional pharmacy degree programs can apply for licensure. For more information, contact the Illinois Department of Registration and Education.

If you have any questions concerning licensure, please direct those questions to the state or states where you are applying for licensure. The committee staff cannot answer questions concerning procedures for licensure in the states listed above or any other state.

Revised 2/89

CORRECTION

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We recommend that each foreign graduate who wishes to become licensed as a pharmacist in a particular state contact that state's board of pharmacy office for exceptions and/or additional requirements to the following guidelines which that state may require of a foreign graduate.

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19 years of age: Alabama

18 years of age: California, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, and West Virginia.

Majority: Idaho and New Mexico.

Legal: Iowa and Kansas.

Adult: Wyoming.

No age requirement: Alaska, Arizona, Mississippi, Montana, Nevada, Oklahoma, South Carolina, Utah and Wisconsin.

CITIZENSHIP

United States citizenship is a requirement for licensure as a registered pharmacist in the following states:

Full United States citizenship: Arkansas, Kentucky, Maine, and Pennsylvania.

Full United States citizenship or legal declaration of intention: Wyoming.

Full United States citizenship, or legal declaration of intention, or resident alien: New Jersey, New York, and Washington.

EDUCATIONAL REQUIREMENTS

In the United States, licensure as a pharmacist requires graduation from a school or college of pharmacy approved by the individual state board of pharmacy or accredited by the American Council on Pharmaceutical Education (ACPE) as published in their official listing. Presently, no colleges of pharmacy located outside of the United States (except for Puerto Rico) are accredited by the ACPE because none have requested review for accreditation purposes. As a result, persons who have graduated from institutions outside the United States are not eligible for licensure examination in most states, the District of Columbia or Puerto Rico.

EDUCATIONAL REQUIREMENTS (con't)

Foreign graduates may become eligible for licensure examination by graduation from an accredited college of pharmacy, obtaining FPGEC certification, or evaluation of credentials as described below.

Graduation From Accredited College

Foreign graduates may apply to the Dean of the college for admission or admission with advance standing based on credentials and transcripts received from completed degree programs as the initial step in becoming a graduate of an accredited U.S. college of pharmacy.

Foreign Pharmacy Graduate Equivalency Committee Certification

Foreign graduates may obtain the Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate. The FPGEC certificate requires passing the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) and receiving a score of at least 550 on the Test of English as a Foreign Language (TOEFL). Any foreign graduate who has completed a program from a recognized institution outside the United States and successfully attained a bachelor of science degree in pharmacy (at least 4 year curriculum) can apply for the FPGEE, which is produced by the FPGEC of the National Association of Boards of Pharmacy Foundation. The FPGEE is intended to provide certification of educational equivalency as partial fulfillment of licensure requirements. Those who obtain FPGEC certification may sit for the licensure examination in the 24 states that accept FPGEC certification. A free brochure describing the program is available from: *NABP Foundation, Foreign Pharmacy Graduate Examination Committee, 1300 Higgins Road, Suite 103, Park Ridge, IL 60068, (312) 698-6227.*

Evaluation of Credentials

Two states which accept FPGEC certification also have procedures whereby foreign trained pharmacists may be considered for licensure. Following an evaluation of the foreign graduate pharmacist's credentials by California or New York, approval may be made to take the licensure examination in the state which evaluates the submitted credentials. For information concerning licensure in these two states, you should contact the state board secretary.

Foreign graduates who may wish to move to another state in the future are urged to determine which option will afford them maximum flexibility in becoming eligible for licensure in other states before selecting an option.

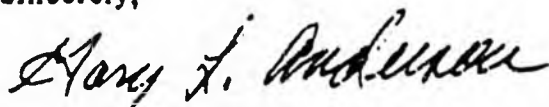
PROFICIENCY IN ENGLISH

The regulations of some boards of pharmacy require graduates of foreign colleges to demonstrate proficiency in the use of the English language.

SURVEY OF PHARMACY LAW

A comprehensive yet compact guide to state pharmacy laws and regulations is NABP's *Survey of Pharmacy Law*. The *Survey* contains valuable information on state board organization laws, licensure laws, and state drug laws, including over 20 tables and charts, fully footnoted, that detail the varied state rules on qualifications for licensure, reciprocal licensure, and internship registration. To order, please send your request with a check or money order for \$20.00 made payable to NABP to: *NABP Publications Desk, National Association of Boards of Pharmacy, 1300 Higgins Road, Suite 103, Park Ridge, Illinois 60068.*

Sincerely,



Gary L. Anderson, Ph.D.
FPGEC Administrator

Revised January, 1989



foundation

National Association of Boards of Pharmacy Foundation/Bureau of Voluntary Compliance
and
Foreign Pharmacy Graduate Examination Committee

1300 Higgins Road, Suite 103, Park Ridge, Illinois 60068, (312) 698-6227

NOTICE

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The states that have indicated that they may consider FPGEC certification are:

Arizona	Nevada
California	New Jersey
Delaware	New York
Florida	North Dakota
Georgia	Ohio
Idaho	Oregon
* Illinois	Pennsylvania
Iowa	South Carolina
Kansas	South Dakota
Maryland	Texas
Michigan	Vermont
Minnesota	Washington
Nebraska	

Hawaii has indicated that it is considering or may consider changes in its statute or rules and regulations to accept the FPGEC certificate.

- * Only foreign graduates who have completed 5 year professional pharmacy degree programs can apply for licensure. For more information, contact the Illinois Department of Registration and Education.

If you have any questions concerning licensure, please direct those questions to the state or states where you are applying for licensure. The committee staff cannot answer questions concerning procedures for licensure in the states listed above or any other state.

Revised 2/89

*Foreign
Pharmacy
Graduate
Equivalency
Examination*

**Foreign
Pharmacy
Graduate
Equivalency
Examination**

**1989
Information
Booklet**

National Association of Boards of
Pharmacy Foundation
Foreign Pharmacy Graduate Examination
Committee
1300 Higgins Road, Suite 103
Park Ridge, Illinois 60068
U.S.A.
312/698-6227

National Association of Boards
of Pharmacy Foundation
Foreign Pharmacy Graduate
Examination Committee
1300 Higgins Road, Suite 103
Park Ridge, Illinois 60068
U.S.A.
312/698-6227

IMPORTANT DATES

Application Deadline: August 1, 1989

Applications must be *postmarked* no later than August 1, 1989.

Test Date: December 10, 1989

TABLE OF CONTENTS

IMPORTANT DATES.....	Inside Front Cover
GOALS AND OBJECTIVES OF FPGEC....	1
DEFINITION OF A FOREIGN PHARMACY GRADUATE.....	2
GENERAL INFORMATION.....	3
Important Dates	3
FPGEC Certification	4
Purpose of FPGEC Certification	5
GENERAL REGISTRATION INFORMATION	6
Application/Qualifying Procedures	7
1. Applications for Examination (Form 100)	7
2. Photographs	8
3. Notice of Receipt of Application (Form 102)	8
4. Copy of the pharmacy degree or qualifications	9
5. Fee	10
Documentation of Pharmacy Credentials.....	11
1. Photocopies of documents	11
2. Applicant's Name	11
3. Non-English Documents	12
4. Alternate Procedures	12
PROCESSING OF APPLICATION	13
EE Number	13
Completion of Registration	13
EE Test Centers	14
Test Center Admission Ticket	14
Refund and Cancellation.....	14
RE-APPLICATION AND RE-EXAMINATION	16

All questions regarding requirements for FPGE C certification, and all requests for additional information, should be submitted in writing and directed to the Committee's address below. Except in emergencies, the Committee strongly discourages telephone inquiries.

NABP Foundation
Foreign Pharmacy Graduate
Examination Committee
1300 Higgins Road, Suite 103
Park Ridge, Illinois 60068
U.S.A.
312/698-6227

DEFINITION OF A FOREIGN PHARMACY GRADUATE

The FPGE C defines a "foreign pharmacy graduate" as a pharmacist whose undergraduate pharmacy degree was conferred outside the United States by a recognized school of pharmacy. The United States, as used here, includes the fifty states, the District of Columbia, and Puerto Rico. United States citizens who have completed their pharmacy education outside the United States, are therefore, considered to be "foreign pharmacy graduates," while foreign nationals who have graduated from schools in the United States are not.

GENERAL INFORMATION

No individual can practice pharmacy in any state or jurisdiction without first obtaining a license in that state. The foreign pharmacy graduate who seeks licensure in any state that accepts the FPGE C certificate must satisfy the requirements of that state jurisdiction.

The FPGE C offers the FPGE E to foreign pharmacy graduates seeking educational equivalency certification to partially fulfill eligibility requirements.

The FPGE E is a one-day examination that requires both a morning and an afternoon session. Six to eight weeks after the examination date, applicants are notified by mail of the results. A description of the test content and outline of procedures for taking the examination are provided in this booklet.

The FPGE E is administered by the American College Testing Program (ACT) for the FPGE C at established test centers located in the United States.

Each applicant must complete all the registration requirements before the acceptance deadline. Applicants will be notified of this deadline.

There is no provision for makeup testing.

Important Dates

The schedule for the current year of the FPGE E is listed on the inside front cover of this booklet and on the Application (Form 100).

It is anticipated that future administrations of the FPGE E will maintain the application deadline of August 1 and the examination date of the second Sunday in December. This schedule is, however, subject to change. Final schedules are available each January. Please write the FPGE C for a copy of the current schedule.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

IMPORTANT DATES

Application Deadline: August 1, 1989

Applications must be *postmarked* no later than August 1, 1989.

Test Date: December 10, 1989

TABLE OF CONTENTS

IMPORTANT DATES.....	Inside Front Cover
GOALS AND OBJECTIVES OF FPGECC	1
DEFINITION OF A FOREIGN PHARMACY GRADUATE.....	2
GENERAL INFORMATION.....	3
Important Dates	3
FPGECC Certification	4
Purpose of FPGECC Certification	5
GENERAL REGISTRATION INFORMATION	6
Application/Qualifying Procedures	7
1. Applications for Examination (Form 100)	7
2. Photographs	8
3. Notice of Receipt of Application (Form 102)	8
4. Copy of the pharmacy degree or qualifications	9
5. Fee	10
Documentation of Pharmacy Credentials	11
1. Photocopies of documents	11
2. Applicant's Name	11
3. Non-English Documents	12
4. Alternate Procedures	12
PROCESSING OF APPLICATION.....	13
EE Number	13
Completion of Registration.....	13
EE Test Centers	14
Test Center Admission Ticket	14
Refund and Cancellation.....	14
RE-APPLICATION AND RE-EXAMINATION.....	16

**DESCRIPTION OF THE FOREIGN
PHARMACY GRADUATE EQUIVALENCY
EXAMINATION** 17
 Preparing for the Examination 18
 The Day of the FPGEE..... 18

RESULT LETTERS 21
 Equivalency Examination Passing
 Score..... 21

**TEXTBOOKS COMMONLY USED IN U.S.
PHARMACY SCHOOLS** 22

GOALS AND OBJECTIVES OF FPGEC

The Foreign Pharmacy Graduate Examination Committee (FPGEC) is part of the National Association of Boards of Pharmacy Foundation (NABP Foundation). Established in recognition and fulfillment of responsibilities for public health care and education, the FPGEC includes among its goals and objectives the following:

1. To inform foreign pharmacy graduates about entering the U.S. pharmacy profession and health care system;
2. To provide the Foreign Pharmacy Graduate Equivalency Examination (FPGEE);
3. To inform foreign pharmacy graduates about the FPGEE;
4. To evaluate the qualifications of foreign pharmacy graduates who apply for the FPGEE; and,
5. To cooperate with other agencies concerned with foreign pharmacy graduates.

The FPGEC reserves the right to change at any time it deems necessary the requirements published in this booklet, without notice to prospective candidates for the FPGEC certificate. All changes shall take effect when adopted by the FPGEC. The FPGEC further reserves the right to discontinue the examination program at any time without advance notice to any candidate or prospective candidate. If the examination program is cancelled, the FPGEC shall refund any examination fees to those candidates who have paid fees to the FPGEC and who have not had the opportunity to take the FPGEE.

All questions regarding requirements for FPGEC certification, and all requests for additional information, should be submitted in writing and directed to the Committee's address below. Except in emergencies, the Committee strongly discourages telephone inquiries.

NABP Foundation
Foreign Pharmacy Graduate
Examination Committee
1300 Higgins Road, Suite 103
Park Ridge, Illinois 60068
U.S.A.
312/698-6227

DEFINITION OF A FOREIGN PHARMACY GRADUATE

The FPGEC defines a "foreign pharmacy graduate" as a pharmacist whose undergraduate pharmacy degree was conferred outside the United States by a recognized school of pharmacy. The United States, as used here, includes the fifty states, the District of Columbia, and Puerto Rico. United States citizens who have completed their pharmacy education outside the United States, are therefore, considered to be "foreign pharmacy graduates," while foreign nationals who have graduated from schools in the United States are not.

GENERAL INFORMATION

No individual can practice pharmacy in any state or jurisdiction without first obtaining a license in that state. The foreign pharmacy graduate who seeks licensure in any state that accepts the FPGEC certificate must satisfy the requirements of that state jurisdiction.

The FPGEC offers the FPGEE to foreign pharmacy graduates seeking educational equivalency certification to partially fulfill eligibility requirements.

The FPGEE is a one-day examination that requires both a morning and an afternoon session. Six to eight weeks after the examination date, applicants are notified by mail of the results. A description of the test content and outline of procedures for taking the examination are provided in this booklet.

The FPGEE is administered by the American College Testing Program (ACT) for the FPGEC at established test centers located in the United States.

Each applicant must complete all the registration requirements before the acceptance deadline. Applicants will be notified of this deadline.

There is no provision for makeup testing.

Important Dates

The schedule for the current year of the FPGEE is listed on the inside front cover of this booklet and on the Application (Form 100).

It is anticipated that future administrations of the FPGEE will maintain the application deadline of August 1 and the examination date of the second Sunday in December. This schedule is, however, subject to change. Final schedules are available each January. Please write the FPGEC for a copy of the current schedule.

FPGEC Certification

The FPGEC will certify a foreign pharmacy graduate who has **BOTH**:

1. Passed the Foreign Pharmacy Graduate Equivalency Examination **AND**:
2. Obtained a total score of at least 550 on the Test of English as a Foreign Language (TOEFL). TOEFL must be completed by *all* foreign pharmacy graduates, either concurrent with application or after passing the FPGE. The Committee will only accept current TOEFL scores as defined by Educational Testing Service (ETS), the testing agency that administers TOEFL.

When the applicant applies for TOEFL:

1. The applicant must request that ETS submit an authentic report of TOEFL scores directly to the Foreign Pharmacy Graduate Examination Committee. The FPGEC identification number 9103 should be used, and the TOEFL registration number and full name must be given as they appear on the TOEFL score report. Score reports submitted directly by the applicant to the FPGEC **CANNOT** be accepted.
2. For information and instructions regarding TOEFL, contact:

Educational Testing Service
Princeton, New Jersey 08541 U.S.A.
Telephone: 609/921-9000

Purpose of FPGEC Certification

Foreign graduates who have obtained a FPGEC certificate are eligible to take the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) in those states that accept FPGEC certification. Candidates for FPGEC certification should contact the jurisdiction in which they are seeking licensure *prior to taking the equivalency examination* to confirm:

- (1) the jurisdiction's acceptance of FPGEC certification.
- (2) their eligibility for licensure.
- (3) the need to complete internship programs, and
- (4) the need to fulfill any citizenship and/or residency requirements.

GENERAL REGISTRATION INFORMATION

A foreign pharmacy graduate who wishes to take the FPGEE must apply by completing the prescribed Application for Examination (Form 100). A postcard, letter, telegram, or telephone call will NOT be accepted as an application form.

Once an initial Application for Examination (Form 100) has been submitted, a second application is NOT needed in order to submit a change of address, additional photographs, or pharmacy credentials to the FPGEC.

Complete applications must be submitted directly to:

NABP Foundation
Foreign Pharmacy Graduate
Examination Committee
1300 Higgins Road, Suite 103
Park Ridge, Illinois 60068

THE COMPLETED APPLICATION,
NECESSARY DOCUMENTS REQUESTED
BY THE FPGEC, AND PAYMENT OF ALL
FEES MUST BE SENT TO THE FPGEC NO
LATER THAN THE APPLICATION
DEADLINE (see inside front cover).

APPLICATIONS POSTMARKED, AFTER
THE APPLICATION DEADLINE WILL NOT
BE PROCESSED FOR THAT YEAR'S
EXAMINATION.

It is best not to mail application materials just before the postmark deadline, because mail is sometimes postmarked a day or two after mailing. If there is a discrepancy between a metered postmark and an official U.S. Postal Service Postmark, the latter will be considered official. It is advisable to apply well in advance of the application deadline in order to ensure that documents will be received from their native countries in time to qualify applicants to take the exam.

The FPGEC is not responsible for application materials lost in the mail.

The applicant is responsible for submitting all application requirements to the FPGEC. Applications that are incomplete should be completed as early as possible. The FPGEC will notify applicants of incomplete applications as soon as possible.

The address entered on the application form as the applicant's address will be used in all communications until the FPGEC receives written notification that an applicant's address has changed. A telephone call advising the FPGEC of an address change is not acceptable. It is important for applicants to immediately notify the FPGEC in writing of any change of address.

Applicants residing with an individual whose name is different from theirs should include that individual's name in their addresses so that the mail sent from the FPGEC will reach its destination without difficulty.

Application/Qualifying Procedures

Applicants must submit the following completed forms and information:

1. Applications for Examination (Form 100)

Parts A and B of the Application for Examination must be filled out completely. Do not submit incomplete applications. The return of an incomplete application to the applicant will delay processing.

Applicants must sign their full names, using the English alphabet, on the lines indicated. Please note that item number 8 on Part B must be signed in the presence of a consular official, or of a first-class magistrate, or of a pharmacy school dean, or of a pharmacy school registrar, or of a notary public. This individual must sign, date, and indicate an official title on the line noted.

The applicant's name, as it appears on the initial application for examination, must be used in all communications with the FPGEC. Any subsequent name changes must be accompanied by a copy of a marriage certificate or other legal document, such as a court order, indicating the applicant's prior and current name.

2. Photographs

Three identical, full-face photographs (passport size) taken within 30 days of filing the application must be submitted with the application. One photograph must be affixed to the space indicated on Part B of the application form. Do not staple or tape the photograph to the application. The notarial seal, stamp, or signature of the official who affirms item 8 on Part B must cover a portion of both the attached photograph and the application form. The other two photographs should be included in the application package.

3. Notice of Receipt of Application (Form 102)

Form 102 must be filled out by the applicant and accompany the application. If Form 102 was not included with the application materials you received, you should notify the FPGEC and one will be sent to you. Do NOT submit your application without Form 102.

4. Copy of the pharmacy degree or qualifications

Proof of pharmacy degree or qualifications must be submitted as follows:

- a. An official copy of pharmacy degree or qualification from a pharmacy school. The pharmacy school must have at least a four-year curriculum at the time of the applicant's graduation. The pharmacy degree or qualification must be the professional degree allowing licensure or registration to practice pharmacy. (See Documentation of Pharmacy Credentials, page 11).
- b. An official transcript of your college, university and pharmacy school courses and grades. You should make a written request to your college, university, or pharmacy school to send an official transcript directly to the FPGEC. If the official transcript is not in English, please see Documentation of Pharmacy Credentials, Non-English documents, page 12. If you have an official copy of your transcript and wish to send it, please be sure that it contains an embossed, stamped, or affixed official seal of the college or university. Each transcript must be certified by the school registrar. Transcripts must be kept for the FPGEC files and cannot be returned.
- c. An official copy of license to practice pharmacy or a certificate of full registration in the country or jurisdiction where the pharmacy degree was earned. The certification must state that all of the educational requirements to practice pharmacy were fulfilled and that an unrestricted license or certification of registration to practice pharmacy in the country was issued. Each license must be certified by the appropriate government official of the jurisdiction issuing the license. (See Documentation of Pharmacy Credentials, page 11).

In countries where licensing is not required, proof of registration with the appropriate pharmacy organization must be submitted. If registration is not required where the degree was obtained, the applicant will be requested to complete and submit an affidavit attesting to this fact. The FPGEC will provide information concerning the procedure.

5. Fee

Full payment of \$700.00 must accompany the application form. Do not submit your application without the fee.

A certified check, bank draft, or money order in United States currency is required. The FPGEC will NOT accept a personal check. *All certified checks, bank drafts, and money orders must be made payable to the NABP Foundation.* Do NOT make these payable to the FPGEC! All payments from outside the United States must be made in United States funds from an approved bank or through a United States bank. Because of the risk involved, payments should NOT be made in cash (currency). The applicant's name (as it appears on the application form) should be fully and accurately shown on all checks, bank drafts, or money orders.

The total fee of \$700.00 consists of the following:

Evaluation of application and verification of credentials	\$200.00
Foreign Pharmacy Graduate Equivalency	
Examination Fee	\$500.00
Total Fee	\$700.00

NO PERSONAL CHECK OR CASH PAYMENT WILL BE ACCEPTED.

If you are re-applying for the examination or applying for re-examination, please see page 16.

Documentation of Pharmacy Credentials

1. Photocopies of documents

Except for transcripts, which must be original, all documents may be submitted as certified photocopies. Certified photocopies of documents must be certified by a notary public as a "true and exact copy of the original". If a document is more than one page long, each page must be so certified. The words "true and exact copy of the original" must be covered partially by the notary public seal or signature. You should present both the original, official document and a photocopy to the notary public for proper certification. Please note that the applicant CANNOT certify the documents by signing the above statement.

If you are unable to submit certified photocopies, please submit the original, official documents directly to the FPGEC. If you wish to have these returned, please enclose a self-addressed, U.S. postage-paid return envelope. Please be sure to affix sufficient postage to cover the type of delivery you are requesting. The FPGEC is not responsible for application material lost in the mail.

2. Applicant's Name

If the name on any document submitted does not match the name on the application, a notarized copy of marriage certificate or other legal document, such as court order, indicating the applicant's prior and current name must be submitted. If the marriage certificate or other legal document submitted is not in English, it must be accompanied by an official English translation from a service sponsored by the government, or by a consulate, embassy, or cultural affairs department, or by a state-certified translator.

3. Non-English Documents

Documents not in English must be accompanied by an English translation, prepared and certified correct by a government official, pharmacy school official, or state-certified translator. The translation must be signed and dated by the person who prepares it, and must appear on official stationery. Applicants may NOT prepare their own translations, even if they attest to the accuracy before one of the officials noted above.

4. Alternate Procedures

If you have graduated from a school of pharmacy that has at least a four-year curriculum and have completed all requirements for licensure but cannot provide documentation, write to the FPGEC about alternative procedures. All such requests will be handled on an individual basis.

PROCESSING OF APPLICATION

EE Number

Applicants who apply for the FPGEE are assigned an Equivalency Examination (EE) number upon receipt of the initial application. This number is a permanent identification number. It must be used in all communications with the FPGEC. It must be entered on any subsequent application forms.

Completion of Registration

Applications received will be processed as quickly as possible. Registration can be completed ONLY IF:

- the application form is complete;
- the required fees are received on time;
- necessary official pharmacy credentials are included with the application; and
- three photographs are included.

If an application is incomplete, it will be returned to the applicant with notification of the reason for its return. It is the applicant's responsibility to provide the additional information requested and to return the completed application prior to the acceptance deadline.

EE. Test Centers

The examination will be administered in one or more test centers in the United States. The test centers will be determined by the Committee. Applicants will be notified of their assigned test center by the FPGEC before the examination, depending upon completion of the registration process. Requests for a change in test center assignments will be considered on an individual basis. The FPGEC must receive these written requests no later than eight weeks before the examination date.

Test Center Admission Ticket

Approximately one month before the examination, an admission ticket will be mailed to applicants who have been approved to take the examination. The admission ticket admits the applicant to the examination and shows the time to report and the street address of the examination center. If applicants have not received a ticket at least ten days before the examination, they should contact the FPGEC by telephone immediately. No applicant will be admitted to the test center without an admission ticket. Applicants must bring their admission ticket and two additional forms of identification (one must be a photo identification, such as a driver's license) to the test center on the day of the examination.

Refund and Cancellation

Applicants who submit an application, including appropriate pharmacy credentials and payment, will be evaluated to take the FPGEE. Applicants who are found ineligible for the FPGEE, or who withdraw before eligibility is determined, will receive a refund of the examination fee (\$500.00). The \$200.00 evaluation fee is non-refundable.

Applicants who have not completed the evaluation process, who request a refund, and who later wish to reapply will have to submit the required fees in effect at the time of reapplication (see Re-application, page 16). If the FPGEC deems it necessary, they may also have to submit an additional administration fee.

Applicants who have been qualified will be allowed to cancel their registration or to defer it to a later date if the FPGEC receives the request before the application deadline. Written requests for cancellation or deferral received by the FPGEC on or after the application deadline will be considered by the FPGEC on an individual basis. Such requests must include documentation of extenuating or unusual circumstances. Those who cancel and later wish to reapply will have to submit the required examination fee in effect at the time of reapplication and an additional administration fee of \$100.00.

NO refunds will be made to applicants who have been qualified, but who fail to appear as scheduled to take the examination. If an applicant qualifies but does not take the exam, failure to notify the Committee in writing within six months of the exam date will result in the closing of the applicant's file. An applicant whose file has been closed must submit a new application and the current fees. (See Application, page 7)

RE-APPLICATION AND RE-EXAMINATION

An applicant who has previously applied for the FPGE and has been assigned an EE number must enter that number on the application for examination, and on all other materials included with the application. To re-apply for the FPGE, an applicant should submit the following four items:

1. Application for Examination (Form 100). Part A (Side 1) and Part B must be completed. The applicant should sign the full name, using the English alphabet, in the space indicated for applicant's signature on Parts A and B.

2. Appropriate Fee:

If for re-examination: Current examination fee (\$500.00). Where the Committee deems necessary, an additional administration fee may be charged.

If for cancellation: Current examination fee (\$500.00) and an administrative fee (\$100.00).

If for deferral: no additional fee is necessary.

3. Notice of Receipt of Application (Form 102).

4. Three identical full-face photographs (passport size) taken within 30 days of filing the application. One photograph must be affixed to the space indicated on the application form. Do not staple or tape the photograph to the application. The notarial seal, stamp, or signature of the official who affirms item 8 on Part B must cover a portion of both the attached photograph and the application form.

DESCRIPTION OF THE FOREIGN PHARMACY GRADUATE EQUIVALENCY EXAMINATION

The FPGE is a written examination, given in English, that consists of 400 multiple-choice questions. It is a comprehensive measure of the applicant's knowledge of the five major pharmacy content areas as described below:

1. Preclinical Sciences: Courses in physical science, biological science, and mathematics that are considered to be prerequisite for professional instruction are included. Examples include anatomy, physiology, organic chemistry, biochemistry and microbiology.

2. Pharmaceutical Science: Courses in the pharmaceutical sciences, such as pharmacognosy, medicinal/pharmaceutical chemistry, pharmaceuticals, and pharmacy administration, are included.

3. Biomedical Sciences: Courses in the biomedical sciences, such as pathology, pathophysiology, physical diagnosis, parasitology, epidemiology, biostatistics, and clinical pharmacology, are included.

4. Social and Behavioral Sciences: Courses in social and behavioral sciences, such as medical sociology and health-care economics, are included.

5. Pharmaceutical Services Management: Courses in pharmacy practice, health-care delivery systems, and drug utilization review and control are included.

The examination is administered in one full day. Applicants will be given one hour for lunch between the morning and afternoon sessions. A schedule for the examination day will be mailed with the letter that notifies the applicant of the test center.

Questions for the examination are selected by a committee composed of pharmacy educators. The test items are chosen from questions maintained for the FPGE by the American College Testing Program (ACT). Every question used in the FPGE has been validated.

Preparing for the Examination

In preparing for the examination, applicants are encouraged to review the most recent editions of standard pharmacy textbooks. A suggested, but not complete, reading list is included in the back of this booklet.

On acceptance of your application, you will be sent a study guide for the examination. Questions are in the multiple-choice format. Applicants may find it useful to familiarize themselves with this examination technique.

The FPGE neither publishes, distributes, nor recommends the use of examination books that may purport to include compilations of questions contained in the FPGE. They are not endorsed by the FPGE and may contain incorrect information.

NO PREVIOUS EXAMINATIONS WILL BE MADE PUBLIC OR RELEASED TO APPLICANTS.

The Day of the FPGE

Read the following carefully.

1. **DO NOT GIVE OR RECEIVE UNAUTHORIZED INFORMATION OR AID DURING THE EXAMINATION.** Evidence of giving or receiving unauthorized information or aid during the examination constitutes sufficient cause for appropriate action. If the FPGE determines that a score is irregular, it may invalidate the results, and will notify the examinee of the basis for its decision. All applicants for the FPGE acknowledge that they are aware of these regulations for maintaining the integrity of individual scores by signing the statement included in the application for the FPGE.
2. **BRING AT LEAST FOUR NO. 2 PENCILS, A PENCIL SHARPENER AND AN ERASER TO THE EXAMINATION.** "Liquid lead" pencils, ball point pens, or other writing instruments must NOT be used on any part of the examination.
3. **DO NOT BRING FRIENDS OR FAMILY TO THE TEST CENTER.** Friends and family are NOT allowed in the examination center. The confusion caused by large numbers of people will delay completion of the examination.
4. **REPORT TO THE EXAMINATION CENTER PROMPTLY WITH YOUR ADMISSION TICKET AT THE TIME SHOWN ON THE TICKET.** Applicants will NOT be permitted to enter the examination after the sessions have begun.
5. **DO NOT BRING BOOKS, PAPERS, CAMERAS, CALCULATORS, OR TAPE RECORDERS INTO THE EXAMINATION ROOM.** These are NOT allowed!
6. **DO NOT SMOKE IN THE EXAMINATION ROOM.** Smoking is NOT permitted in the examination room while the examination is in process.

RESULT LETTERS

All examination results are mailed six to eight weeks after the test date. Scores will be mailed directly to the applicant, based on the address sheet completed at the time of the examination. Scores CANNOT be obtained earlier and will NOT be reported by telephone.

Equivalency Examination Passing Score

The FPGEE score is a scaled equated score. This equated score is based on the applicant's performance as compared to the performance of a reference group of United States pharmacy students. Please note that the FPGEE score is NOT the number of questions answered correctly, nor is it a percentage score.

The passing score is 75 or higher. Candidates who pass the FPGEE with a scaled equated score of 75 or higher are eligible for FPGEC certification.

Once applicants have passed the FPGEE, they are not permitted to take it again for any reason.

Applicants who fail the FPGEE may re-apply to take the examination again. The procedures for re-applying to take the examination are provided in this booklet.

7. **ASK FOR PERMISSION TO LEAVE THE EXAMINATION ROOM.** After being admitted to the examination room and assigned a seat, applicants will NOT be permitted to leave without permission.
8. **LISTEN CLOSELY TO THE INSTRUCTIONS.** The proctor will read instructions, in English, before each section of the examination begins. You may ask questions about the procedures at that time. NO questions will be allowed after the examination begins. It is important that all applicants understand these instructions and follow them exactly.
9. **MARK YOUR ANSWER SHEET CAREFULLY.** Credit is given only for answers marked on the answer sheet. Only one choice should be marked for each question. Double marks or no marks are treated as wrong answers. Applicants may make notes or calculations in the test booklet only.
10. **READ EACH QUESTION CAREFULLY.** If you are unsure of the correct answer, first eliminate every wrong answer you can. Each wrong answer eliminated improves your choices for selecting the correct answer.
11. **ANSWER EVERY QUESTION.** There is no penalty for guessing.
12. **DO NOT SPEND TOO MUCH TIME ON ONE QUESTION.** Work quickly and carefully.
13. **DO NOT USE OR MAKE NOTES (EXCEPT IN THE EXAMINATION BOOKLET).** Applicants using or making notes (except in the test booklet) will be required to leave the examination room and will not be permitted to return.
14. **SIGN EACH OF YOUR ANSWER SHEETS.** An unsigned answer sheet will NOT be scored.

TEXTBOOKS COMMONLY USED IN U.S. PHARMACY SCHOOLS

The following is a suggested, but not complete, reading list of textbooks commonly used in U.S. Pharmacy Schools. Many of these books have been published in more than one edition. Please consult a bookstore or library for more detailed information. These textbooks may cover one or more of the following areas: Preclinical Sciences, Pharmaceutical Sciences, Biomedical Sciences, Social & Behavioral Sciences, and Pharmaceutical Services Management.

TITLE/AUTHOR/PUBLISHER

Applied Therapeutics for Clinical Pharmacists/Koda-Kimble, et al/Applied Therapeutics, Inc.

Biochemistry/Lehninger/Worth Pubs.

Biochemistry/Lubert & Stryer/W.H. Freeman & Co.

Calculations in Pharmacy/Rouse & Webber/Lippincott

Chemical Stability of Pharmaceuticals: A Handbook for Pharmacists/Connors & Amidan/Wiley

Clinical Pharmacy and Therapeutics/Herfindal & Hirschmann/Williams & Wilkins

Facts and Comparisons/Covington, et al/Facts and Comparisons

Handbook of Basic Pharmacokinetics/Ritschel/Drug Intelligence: Pubs.

Handbook of Nonprescription Drugs/American Pharmaceutical Assn./APhA

Health Care Systems in the U.S./Raffel/Williams & Wilkins

Inorganic, Medicinal and Pharmaceutical Chemistry/Block, et al/Lea & Febiger

Introduction to General Pharmacology/Csaley/Appleton-Century Crofts

Introduction to Pharmacokinetics/Clark & Smith/Mosby

Jenkin's Quantitative Pharmaceutical Chemistry/Knevel & Diangani/McGraw-Hill

Kremers' History of Pharmacy/Sonnedecker/Harper & Row

Manual of Acute Bacterial Infections/Gerdner & Provine/Little, Brown & Co.

Manual of Medical Therapeutics/Washington University Dept. of Medicine/Little, Brown & Co.

Medical Terminology/Smith & Davis/Wiley

Modern Pharmaceutics/Banker & Rhodes/M. Dekker

Pharmaceutical Calculations/Zatz/Wiley-Interscience

Pharmaceutics of Solids & Solid Dosage Forms/Carstensen/Wiley & Sons, Inc.

Pharmacognosy/Tyler, Brady & Robbers/Lea & Febiger

Pharmacology: Drug Actions & Reactions/Levine/Little, Brown & Co.

Pharmacy Calculations/Ansel/Lea & Febiger

Pharmacy: Career Planning & Professional Opportunities/Rucker/HA Press, U. of MI-Ann Arbor

Pharmacy, Drugs, and Health Care/Smith & Knapp/Williams & Wilkins

Pharmacy Law Digest/Fink, et al/Facts and Comparisons

Pharmacy Practice/Wertheimer & Smith/Wiley & Sons, Inc.

Pharmacy Practice: Social & Behavioral Aspects/Wertheimer & Smith/Univ. Park Press

Physical Chemistry: Principles & Applications in Biological Sciences/Ignacio, et al/Prentice Hall

Physical Pharmacy/Martin, Swarbrick & Cammarata/Lea & Febiger

Principles of Clinical Toxicology/Gossel & Bricker/Raven

Principles of Medicinal Chemistry/Foye/Lea & Febiger

Principles of Organic, Medicinal & Pharmaceutical Chemistry/Wilson, et al/Lippincott

Principles of Pharmacy Management/Smith/Lea & Febiger

Remington's Pharmaceutical Sciences/Remington/Mack

Review of Medical Physiology/Ganong/Lange

Textbook of Biopharmaceutics & Clinical Pharmacokinetics/Niaz/Appleton-Century Crofts

Textbook of Organic, Medicinal & Pharmaceutical Chemistry/Wilson, et al/Lippincott

The Pharmacological Basis of Therapeutics/Goodman, Gilman et al/MacMillan

The Practice of Pharmacy: Institutional & Ambulatory Pharmaceutical Services/McLeod & Miller/Harvey Whitney Books

U.S. Health Care Systems: Origins and Functions/Raffel/Wiley & Sons, Inc.

USP/DI Advice for the Patient/Heller, et al/U.S. Pharmacopeial Convention, Inc.

USP/DI Drug Information for the Health Care Provider/Heller, et al/U.S. Pharmacopeial Convention, Inc.



STATE OF WASHINGTON

WASHINGTON STATE BOARD OF PHARMACY

319 E. 7th Avenue, FF-21 • Olympia, Washington 98504 • (206) 753-6834

TO FOREIGN PHARMACY GRADUATES:

We have received your request for information regarding licensure in Washington using the Foreign Pharmacy Graduate Equivalency Examination.

In addition to receiving the certification from the Foreign Pharmacy Graduate Examination Commission, you must comply with WAC 360-12-010 and WAC 360-12-065, Sections 2 and 3. Copies of these regulations are enclosed. You must take and pass the Full Board Examination given bi-annually in January and June, meet all internship requirements (1200 intern hours to be earned before taking the examination and 300 intern hours to be earned after taking the examination) and show proof of your Alien Registration Card or Declaration of Intent.

Please feel free to contact this office if you have any questions.

Sincerely,

WASHINGTON STATE BOARD OF PHARMACY

Donald H. Williams
Executive Secretary

DHW:slm

Enclosures: WAC 360-12-010
WAC 360-12-065 (2) & (3)

For Equivalency Examination information, write or phone:

Foreign Pharmacy Graduate Examination Commission
1300 Higgins Rd, Suite 103
Park Ridge IL 60068
Phone: (312) 698-6227

WAC 360-12-010 Applicants--Citizenship. All applicants for license to practice as registered pharmacists in Washington must be citizens or resident aliens of the United States. [Order 121, § 360-12-010, filed 8/8/74; Regulation 1, filed 3/23/60.]

WAC 360-12-065 FOREIGN-TRAINED APPLICANTS. (1) Applicants whose academic training in pharmacy has been obtained from institutions in foreign countries, wishing to be licensed as pharmacists in the state of Washington shall take and pass the foreign pharmacy graduate equivalency examination prepared by the foreign pharmacy graduate education commission and shall have received an educational equivalency certificate from that commission.

(2) In addition, prior to licensure they shall pass the Washington state board of pharmacy full board examination and meet its internship requirements.

(3) Applicants whose academic training in pharmacy has been obtained from institutions in foreign countries and whose credentials are such that no further education is necessary must earn a total of 1500 intern hours before licensure. The applicant must earn at least 1200 intern hours before taking the full board examination: PROVIDED, That the board may, for good cause shown, waive the required 1500 hours.

STATE OF ALASKA



BOARD OF PHARMACY

Alaska Statute Title 8, Chapter 1-3
Pharmacy Statute AS 08.80
Pharmacy Regulations 12 AAC 52
Controlled Substances Statute AS 17.30
Marijuana Therapeutic Research
Program Statute AS 17.35

PRINTED: August 1982

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT
OCCUPATIONAL LICENSING
BOARD OF PHARMACY
POUCH, D
JUNEAU, ALASKA 99811-0800

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FIRST CLASS

- (5) promulgate regulations to carry out the purposes of this chapter;
- (6) repealed by ch 52 SLA 1980;
- (7) register intern pharmacists and promulgate rules relating to their minimum experience requirements;
- (8) promulgate regulations to ensure adequate security for all dangerous drugs;
- (9) adopt requirements for licensing in addition to the requirements set out in this chapter. (am ch 52 SLA 1980)

Sec. 08.80.040. Duties of the board. The board shall

- (1) examine qualified applicants for registration as pharmacists;
- (2) grant certificates of registration;
- (3) repealed by ch 52 SLA 1980;
- (4) report to the legislature on the condition of pharmacy in the state; the report shall include a resume of the proceedings of the board during the year and the names of all persons registered under this chapter;
- (5) maintain a record of the name and place of business of each person registered under this chapter, together with evidence adequate to justify registration;
- (6) issue a list of potentially dangerous medicinal ingredients or preparations that may be sold only under the direct supervision of a licensed pharmacist; the failure to include an ingredient or preparation in this list does not affect any law or regulation, which prohibits or restricts the sale of the ingredient or preparation;
- (7) repealed by ch 52 SLA 1980;
- (8) adopt regulations insuring that renewal of licenses occurs every four years and is contingent upon proof of continued competency;
- (9) hold hearings and order disciplinary sanctions against a person who violates this chapter or the regulations of the board;
- (10) provide for the regulation of controlled substances under AS 17.30. (am ch 52 SLA 1980; am ch 45 SLA 1982)

Sec. 08.80.045. Non-prescription drugs. (a) Except as provided in (b) of this section the board may not regulate the sale of patent or non-prescription drugs which are prepackaged for use by the consumer, are in their original, unbroken packaging, and are labeled in accordance with requirements of the federal government.

(b) The board may regulate the sale and distribution of patent or non-prescription drugs under AS 44.62.250 when the regulation is required by an emergency to protect the public health and safety. (ch 52 SLA 1980)

Sec. 08.80.050. Applicability of Administrative Procedure Act. The board shall comply with the Administrative Procedure Act (AS 44.82).

Sec. 08.80.060. Meetings of the board. The board shall meet at least once each year at the call of the president for the transaction of business properly before it. The president shall also call the board into session when requested in writing by at least two members. The secretary shall give at least 30 days written notice to all members before a meeting. (Sec 6 ch 194 SLA 1955)

Sec. 08.80.070. Quorum. Four members constitute a quorum for the transaction of business. However, when the board meets for the purpose of examining applications for registration, three members of the board constitute a quorum. (Sec 6 ch 194 SLA 1955; am Sec 27 ch 102 SLA 1976)

Sec. 08.80.080. Expenses of members. Members of the board are entitled to reimbursement for actual travel expenses incidental to the discharge of their duties and, while in the performance of their duties, are entitled to the per diem expenses allowed by law. (Sec 7 ch 194 SLA 1955)

Sec. 08.80.090. Disposition of fees. The fees collected by the secretary of the board shall be deposited in the general fund of the state. (Sec 21 ch 194 SLA 1955)

Sec. 08.80.105. Removal of board members. A member of the board may be removed from office by the governor for cause. The board may by regulation provide that unexcused absences from meetings constitute cause for removal. (ch 52 SLA 1980)

ARTICLE 2 LICENSING AND REGISTRATION

Section

- 110. Qualifications for registration
- 115. (Repealed)
- 116. License of pregraduate and postgraduate intern pharmacist
- 117. (Repealed)
- 120. Grading and content of examination
- 130. Re-examination
- 140. License by credentials
- 150. Temporary license
- 155. Emergency permit
- 157. Retail and wholesale licenses
- 160. Fees
- 220. Prescription department required for issuance of license
- 230. Sanitary conditions required for issuance of license
- 240. Form and display of registration certificate and license
- 250. (Repealed)
- 260. (Repealed)
- 261. Grounds for imposition of disciplinary sanctions
- 265. (Repealed)
- 266. Disciplinary sanctions

Sec. 08.80.110. Qualifications for registration. An applicant for registration as a pharmacist shall

- (1) be fluent in the reading, writing and speaking of the English language;
- (2) furnish the board with at least two affidavits from reputable citizens, whom he has known for at least one year, attesting to his good moral character and freedom from addiction to the use of drugs or alcoholic liquors;

(3) be a graduate of a college of pharmacy recognized by the National Association of Boards of Pharmacy;

(4) pass an examination by a board of pharmacy which has been approved by the National Association of Boards of Pharmacy;

(5) have completed at least 1,500 hours of internship training under the direct supervision of a licensed pharmacist in a licensed pharmacy, 160 hours of which must have been completed after graduation.

Sec. 08.80.115. Repealed by Sec 40 ch 177 SLA 1978, effective July 16, 1978, retroactive to June 28, 1976.

Sec. 08.80.116. License of pregraduate and postgraduate intern pharmacist. (a) An applicant for license as a postgraduate intern pharmacist shall meet the requirements of AS 08.80.110(1)-(3) and pay the required fee.

(b) An applicant for license as a pregraduate pharmacist shall meet the requirements of AS 08.80.110(1) and (2) and shall be enrolled in a pharmacy school recognized by the National Association of Boards of Pharmacy as a junior. An applicant may be on recognized vacation from the pharmacy school; however, the vacation may not exceed one quarter or one semester. The pregraduate internship pharmacist shall pay the required fee.

(c) The license of a postgraduate or pregraduate internship pharmacist is valid for one year and may be renewed upon application.

Sec. 08.80.117. Repealed by ch 52 SLA 1980.

Sec. 08.80.120. Grading and content of examination. To pass the state pharmacy examination each applicant must attain a general average of not less than 75 per cent of a grade of not less than 60 per cent in any one category of the National Association of Board of Pharmacy Standard Examinations for licensure or an equivalent examination given by the board. (Sec 89 ch 194 SLA 1955; am Sec 2 ch 24 SLA 1968; am Sec 6 ch 206 SLA 1972; am Sec 1 ch 50 SLA 1974)

Sec. 08.80.130. Re-examination. An applicant unsuccessful in his initial examination may take a second examination within one year without further application and upon payment of the re-examination fee. If the applicant fails to take a second examination within one year, he must submit a new application for any examination. (Sec 8 ch 194 SLA 1965; am Sec 7 ch 206 SLA 1972)

Sec. 08.80.140. License by credentials. The board may license an applicant who has been certified as a registered pharmacist by the National Association of Boards of Pharmacy if the applicant meets the requirements under AS 08.80.110 and passes the state jurisprudence examination. (ch 52 SLA 1980)

Sec. 08.80.150. Temporary license. The board, or a member of the board, may issue a temporary license to an applicant applying for a license under AS 08.80.140 upon written or oral examination before a member of the board and certification by the member to the secretary of the board that the applicant is competent to receive a temporary license. The temporary license is valid for three months, or until the next regular meeting of the board, whichever is longer. A temporary license is not renewable, but at the discretion of the issuing board member may be extended for a period not to exceed 60 days, and an applicant may not receive more than one temporary license. An applicant whose license has been denied by the board is not eligible to receive a temporary license. (am ch 52 SLA 1980)

Sec. 08.80.155. Emergency permit. (a) The board, or a member of the board, may grant an emergency permit to a pharmacist for the purpose of providing coverage in a pharmacy which is temporarily without the services of a pharmacist due to death, illness or other emergency circumstances.

(b) a pharmacist applying under (a) of this section must submit proof that he holds a license in good standing in a state recognized by the National Association of Boards of Pharmacy, and pay the fee required under Sec. 160 of this chapter.

(c) A permit issued under this section is valid for a period not to exceed 60 days. (am ch 52 SLA 1980)

Sec. 08.80.157. Retail and wholesale licenses. (a) If an applicant furnishes proof satisfactory to the board that he is equipped with land, facilities, and equipment, in fee or leased, necessary to carry on the business described in the application and the applicant complies with this chapter, applicable regulations adopted by the board, and pays fees provided for under AS 08.80.160, the board may issue

(1) a wholesale drug dealer license to an applicant who manufactures or distributes noncontrolled legend drugs to licensed retail pharmacists, dentists, physicians, surgeons, or veterinarians, who may legally purchase noncontrolled legend drugs at a wholesale level, or to government agencies which may legally purchase non-controlled legend drugs at a wholesale level;

(2) a wholesale drug dealer license to a qualified applicant who is in compliance with the Federal Controlled Substances Act of 1969 as amended; or

(3) a license to a retail pharmacy.

(b) A license under this section may not be issued to a person who has been convicted of a willful violation of a federal law or a law of any state relating to a drug or controlled substance, or who is addicted to a drug or controlled substance. A license may not be issued to a corporation with a managing officer who has been convicted of a willful violation of a federal law or a law of any state relating to a drug or controlled substance, or who is addicted to a drug or controlled substance. (ch 52 SLA 1980)

Sec. 08.80.160. Fees. The following fees shall be imposed under this chapter when applicable:

(1) examination fee.....	\$ 50
(2) re-examination fee.....	\$ 15
(3) investigation fee for licensing by credentials.....	\$ 25
(4) pharmacist license fee and renewal fee due every four years.....	\$200
(5) temporary license fee.....	\$ 20
(6) wholesale drug dealer license fee and renewal fee due every four years.....	\$200
(7) retail pharmacy license fee and renewal fee due every four years.....	\$200
(8) pharmacy intern license fee.....	\$ 10
(9) emergency permit license fee.....	\$ 10
(10) hospital pharmacy license fee and renewal fee due every four years (in and outpatient).....	\$200
(11) hospital drug room license fee and renewal fee due every four years (inpatient).....	\$100
(12) nursing home and related facilities license fee and renewal fee due every four years for inpatient dispensing.....	\$100
(13) repealed by ch 52 SLA 1980	
(14) license amendment or replacement fee.....	\$ 10

(am ch 52 S A 1980)

Sec. 08.80.220. Prescription department required for issuance of license. The board shall issue a license to operate a pharmacy only to an establishment which operates a bona fide prescription department. (Sec 10 ch 194 SLA 1955)

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

January 17, 1990

SUBJECT: Sectional analysis of SSHB 395
(Work Order No. 6-1637)

TO: Representative Niilo Koponen

FROM: John B. Gaguine ^{JBG}
Legislative Counsel

You have asked for a sectional analysis of SSHB 395, an act relating to applicants for pharmacist licenses.

Section 1 amends AS 08.80.110 to allow graduates of foreign pharmacy schools to apply for licenses as pharmacists in Alaska. It authorizes applications by foreign graduates who have passed a test administered by a national organization to assure that these foreign graduates possess the knowledge that a graduate of an American school should possess. Applicants who have passed this test must also pass the test, administered by the Board of Pharmacy, that all license applicants must pass. The section also corrects an error in existing law relating to the national entity that certifies American pharmacy schools.

Section 2 makes the same correction regarding the certifying entity.

Section 3 repeals a definition that is unnecessary because the term defined is used only once and is defined where it is used.

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