

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Interim Director of the Department of Health, pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), Mayor's Order 98-140, dated August 20, 1998, and 42 U.S.C. § 247d-6d(b)(2)(A), hereby gives notice of proposed rulemaking to amend Chapter 65 (Pharmacists) of Title 17 (Business, Occupations, and Professions) of the District of Columbia Municipal Regulations (DCMR) and intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

The purpose of this rulemaking is to update the education and training requirements for qualification for licensure as a pharmacist and the education and training requirements for licensure as a pharmacist by applicants educated in foreign countries. This rulemaking will: (1) amend the licensure application requirements to allow applicants who do not have a social security number to submit an affidavit without requiring proof of legal status in the United States; (2) allow applicants to submit official transcripts in a manner other than by postal mail; and (3) repeal section 6518 (Board of Pharmacy) which is outdated and inconsistent with current Board structure and operations.

Chapter 65, PHARMACISTS, of Title 17, BUSINESS, OCCUPATIONS, AND PROFESSIONS, of the DCMR is amended as follows:

Section 6502, EDUCATION AND TRAINING REQUIREMENTS, is amended to read as follows:

6502 EDUCATION AND TRAINING REQUIREMENTS

6502.1 Except as otherwise provided in this chapter an applicant shall furnish proof satisfactory to the Board, that the applicant:

- (a) Has successfully completed an educational program in the practice of pharmacy and holds a Bachelor of Science in Pharmacy or Doctor of Pharmacy degree from a school of pharmacy:
 - (1) Accredited by the American Council on Pharmaceutical Education (ACPE) at the time the applicant graduates; and
 - (2) With at least a five (5) year curriculum at the time of graduation, unless the applicant graduated prior to January 1, 2003, in which case a four (4) year curriculum will be accepted; and
- (b) Has successfully completed the introductory and advanced pharmacy experience hourly requirements in accordance with ACPE standards.

Section 6503, APPLICANTS EDUCATED IN FOREIGN COUNTRIES, is amended to read as follows:

6503 APPLICANTS EDUCATED IN FOREIGN COUNTRIES

6503.1 The Board may grant a license to practice pharmacy to an applicant who completed an educational program in a foreign country, which program was not recognized by the ACPE, if the applicant:

- (a) Meets all requirements of this chapter except for § 6502.1(a);
- (b) Demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this chapter and the Act by submitting the documentation required by this section;
- (c) Has completed a minimum of one thousand five hundred (1,500) hours of independent pre-licensure professional practice that provides experience in community, institutional, and clinical pharmacy practices under the supervision of a licensed pharmacist in the United States who is registered with the Board as the applicant's preceptor;
- (d) Furnishes proof satisfactory to the Board that the applicant holds a pharmacy degree from a school of pharmacy with at least a five (5) year curriculum at the time of graduation, unless the applicant graduated prior to January 1, 2003, in which case a four (4) year curriculum will be accepted;
- (e) Possesses a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification; and
- (f) Received passing scores on the North American Pharmacist Licensure Examination (NAPLEX) or its successor, and the Multistate Pharmacy Jurisprudence Examination for the District of Columbia (MPJE) or its successor. The passing score of the NAPLEX and MPJE are the passing scores established by the National Association of Boards of Pharmacy on each test that forms a part of the examinations

6503.2 The independent pre-licensure professional practice required under § 6503.1(c) shall be completed within one (1) year after licensure as a pharmacy intern in the District of Columbia. However, the Board may grant up to a six (6)-month extension of this period for good cause shown.

6503.3 Credit for pre-licensure professional practice performed in the District of Columbia shall:

- (a) Not begin to accrue until the Board has registered the intern in accordance with the procedures set forth in § 6509 of this chapter;
- (b) Only be given for pre-licensure professional practice hours performed as part of a formalized internship program and under the supervision of the individual's assigned preceptor; and
- (c) Not be given for more than forty-five (45) hours of pre-licensure professional practice hours per week.

6503.4 An applicant under this section shall submit with their completed application certified transcripts of the applicant's pharmacy educational record(s). However, the Board may waive this requirement on a showing of extraordinary hardship if the applicant is able to establish by substitute documentation that the applicant possesses the requisite education and degrees.

6503.5 If a document required by this chapter is in a language other than English, the applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit to the Board a translation signed by the translator attesting to its accuracy.

6503.6 The Board may interview an applicant under this section to determine whether the applicant's education or training meets the requirements of the Act and this chapter.

Section 6504, LICENSE BY EXAMINATION, is amended as follows:

Subsection 6504.1(b) is amended to read as follows:

- (b) Meet the training requirements set forth in § 6502 or § 6503;

Subsection 6504.3(a)(1) is amended to read as follows:

- (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number; and

Subsection 6504.3(b) is amended to read as follows:

- (b) Submit official transcripts directly to the Board of Pharmacy from each educational institution in a manner, as directed on the application form, that ensures the authenticity of the transcripts, which shall verify that the applicant has successfully completed an educational program in the

practice of pharmacy meeting the requirements set forth in § 6502.1(a) of this chapter;

Subsection 6504.3(d) is amended to read as follows:

- (d) Submit proof acceptable to the Board that the applicant has successfully completed a pharmacy internship meeting the training requirements set forth in § 6502 or § 6503 of this chapter;

Section 6505, LICENSE BY SCORE TRANSFER, is amended as follows:

Subsection 6505.1(b) is amended to read as follows:

- (b) Meet the training requirements set forth in § 6502 or § 6503;

Subsection 6505.2(a)(1) is amended to read as follows:

- (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number;

Subsection 6505.2(c) is amended to read as follows:

- (c) Submit proof acceptable to the Board that the applicant has successfully completed a pharmacy internship meeting the training requirements set forth in § 6502 or § 6503 of this chapter;

Section 6506, LICENSE BY RECIPROCITY WITH LICENSURE TRANSFER, is amended as follows:

Subsection 6506.2(a)(1) is amended to read as follows:

- (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number;

Section 6507, LICENSE BY RECIPROCITY WITH WAIVER OF LICENSURE TRANSFER FORM, is amended as follows:

Subsection 6507.2(a)(1) is amended to read as follows:

- (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number;

Section 6509, REGISTRATION OF PHARMACY INTERNS, is amended as follows:

Subsection 6509.1 is amended to read as follows:

6509.1 Except as provided in 6509.2 of this chapter, this section shall apply to pharmacy interns who are performing independent, pre-licensure professional practice in satisfaction of the internship required by § 6502 or § 6503 under the supervision of a pharmacist licensed in the District of Columbia.

Subsection 6509.2 is repealed.

Subsection 6509.5(a) is amended to read as follows:

- (a) Meet the education requirements set forth in § 6502 or § 6503, or be currently enrolled in an educational program in the practice of pharmacy at an ACPE-accredited school or a school pending initial ACPE accreditation;

Subsection 6509.6(a)(1) is amended to read as follows:

- (1) The applicant's social security number on the application. If the applicant does not have a social security number, the applicant shall submit with the application a sworn affidavit, under penalty of perjury, stating that he or she does not have a social security number;

Subsection 6509.6(b) is amended to read as follows:

- (b) Submit official transcripts directly to the Board of Pharmacy from each educational institution in a manner, as directed on the application form, that ensures the authenticity of the transcripts, which shall verify that the applicant has successfully completed an educational program in the practice of pharmacy meeting the requirements set forth in § 6502 or § 6503 of this chapter or is currently enrolled in an educational program in the practice of pharmacy at an ACPE accredited school;

Subsection 6509.6(e) is amended to read as follows:

- (e) If the applicant is a foreign-trained student applying under § 6503, submit a completed preceptor form signed by the applicant's preceptor which shall include:
 - (1) The name and District of Columbia pharmacist license number of the preceptor;
 - (2) The location where the internship will be performed;

- (3) A description of the duties the intern will perform;
- (4) The expected start date of the internship; and
- (5) The Oath of Preceptor set forth in § 6511.3 of this chapter.

Subsection 6509.7 is amended to read as follows:

6509.7 For foreign-trained applicants registering as an intern, a registration as a pharmacy intern shall expire one (1) year from the date of its issuance. The Board may, in its discretion, renew a registration for successive periods of one (1) year for good cause shown if the pharmacy intern demonstrates due diligence in working toward completing the clinical internship requirement of § 6503.

Section 6510, PRE-LICENSURE PROFESSIONAL PRACTICE OF PHARMACY INTERNS, is amended as follows:

Subsection 6510.1 is amended to read as follows:

6510.1 This section shall apply to pharmacy interns who are performing independent, pre-licensure professional practice in satisfaction of the internship required by § 6503 under the direct supervision of a pharmacist in the District, or who are otherwise registered with the Board to practice as a pharmacy intern.

Subsection 6510.11 is repealed.

Section 6511, DUTIES OF A PRECEPTOR, is amended as follows:

Subsection 6511.1 is amended to read as follows:

6511.1 This section shall apply only to preceptors who are supervising pharmacy interns in the performance of independent, pre-licensure professional practice in satisfaction of the internship required by § 6503 of this chapter.

Subsection 6511.5 is amended to read as follows:

6511.5 A preceptor shall ensure that a pharmacy intern's training consists of learning experiences that are related to the practice of pharmacy, as that term is defined in the Act in community, institutional, or clinical pharmacy practice.

Section 6518, BOARD OF PHARMACY, is repealed.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice

in the *District of Columbia Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.