

HOT TOPIC:
Universal Law Exam Progress,
Its Anticipated Impact in
Pharmacy,
and Ethical Impacts in Pharmacy

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CPFI Annual Conference

Saturday, June 1, 2024

9:45AM-10:45AM



Disclosures

Teri Miller declares no conflicts of interest, real or apparent, and no financial interests in any company, product, or service mentioned in this program, including grants, employment, gifts, stock holdings, and honoraria.

Objectives

1. Develop awareness of potential for changes to licensure via examination and reciprocity in the area of pharmacy law by development of the NABP's Uniform Pharmacy Jurisprudence Examination
2. Assess the advantages and disadvantages of a uniform examination for pharmacy law licensure.
3. Assess pharmacist/intern knowledge of federal law via a brief Kahoot!
4. Develop an awareness of recent U.S. court decisions regarding pharmacy practice and resulting ethical decisions pharmacists are facing.

Current Process-Licensure by Exam

➤ **North American Pharmacist Licensure Examination**

➤ **NAPLEX**

➤ **Multistate Pharmacy Jurisprudence Examination**

➤ **MPJE**

Current Process-Licensure by Exam

➤ **NAPLEX-\$520**

- Passage required in all states and U.S. territories
- 6 hours, 225 questions
- Owned and developed by the National Association of Boards of Pharmacy

➤ **MPJE-\$170**

- Unique exam developed for each jurisdiction
- 2.5 hours, 120 questions
- **Arkansas/California** facilitate their own exam
- Jurisdictions that do NOT require passage of a law exam:
 - **Idaho, Michigan, Vermont, Puerto Rico, Virgin Islands, Alaska***

*Pending

NAPLEX Competency Statements

- Area 1 about 18% Data, Medical or Patient Information
- Area 2 about 14% Drug Characteristics
- Area 3 about 35% Treatment Planning
- Area 4 about 14% Calculations
- Area 5 about 11% Compounding, Dispensing or Administration or Delivery Systems
- Area 6 about 7% Ensure Safety and Quality

MPJE Competency Statements

- Area 1 – Licensure/Personnel (Approximately 22% of the Exam)
- Area 2 – Pharmacy Practice (Approximately 33% of the Exam)
- Area 3 – Dispensing Requirements (Approximately 24% of the Exam)
- Area 4 – Pharmacy Operations (Approximately 21% of the Exam)

“UNIFORM Pharmacy Jurisprudence Exam”

May 2022-NABP 118th Annual Meeting

Resolution 118-3-22

**National Standardized Pharmacy
Jurisprudence Examination**

June 27-28, 2023-First Meeting of the Steering
Committee



RESOLUTION NO: 118-3-22

TITLE: National Standardized Pharmacy Jurisprudence Examination

ACTION: PASS

- **WHEREAS**, not every state board of pharmacy requires pharmacist candidates to take the Multistate Pharmacy Jurisprudence Examination[®] (MPJE[®]) for licensure; and
- **WHEREAS**, MPJE item writing and review activities require significant board of pharmacy staff resources; and
- **WHEREAS**, many state-specific laws are similar, if not identical; and
- **WHEREAS**, pharmacists' knowledge of federal law is important to the practice of pharmacy and for the protection of the public; and
- **WHEREAS**, it may be redundant for pharmacist applicants to sit for multiple MPJEs when transferring licensure across state lines; and
- **WHEREAS**, there is a need to assess competency on federal and state pharmacy laws;
- **THEREFORE BE IT RESOLVED** that NABP **examine the development** of a national standardized pharmacy jurisprudence examination for the state boards of pharmacy to assess competence for licensure.

(Resolution passed at the 118th Annual Meeting in Phoenix, AZ.)

Steering Committee Members

Jack W. “Jay” Campbell IV (NC), *Chair*

Kimberly “Kim” Burns (PA)

Margarita DiVall (AACCP)

Mary K. Gurney (AACCP)

Mark Hardy (ND)

Kristina “Kris” Jonas (ID)

Lisa Lebovitz (AACCP)

Melissa Martin (KS)

Matthew “Matt” Martineau (WY)

Susan McCoy (MS)

Michael Moné (OH)

W. Thomas “Tommy” Smith (AACCP)

Toyin Tofade (AACCP)

Lee Vermeulen (AACCP)

Donna Yeatman (AL)



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Steering Committee Charge

- Determine the architectural framework for developing UPJE and assess competencies
- Expectations from BOPs and their obligations for development, maintenance, and usage
- Examine necessary components for supplemental state-specific modules as desired.

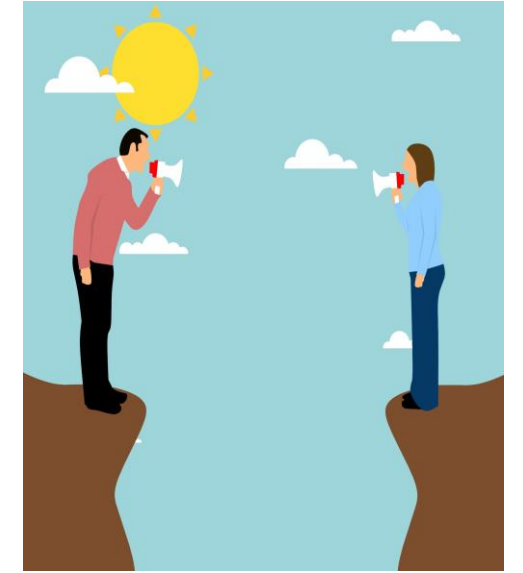
It's coming....

➤ States that elect to adopt the UPJE will not have licensees take a subsequent MPJE

➤ **GOAL: ONE LAW EXAM**

to demonstrate competency.

CONFLICTS??



-2022 AACCP Resolution

Recommended the elimination of a law exam to remove barrier to licensure

-Regulators Consider Exam Necessary to Attest to Entry Level Competency

-BOPs Face Financial and Political Pressure

Boards of Pharmacy/State Options

- **Adopt UPJE ± “Plus Module*”**
 - No 2nd state specific exam allowed
 - *Developed and implemented by individual states
- **Retain State-Specific MPJE**
- **No Jurisprudence Exam** (via state statute/regulation)

Cost Considerations

- UPJE participating Boards determine fees to licensees for “plus modules”
- NO FEE to states choosing to use UPJE
- Cost of UPJE to licensees uncertain at present



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Competency Considerations

- Structure of Governance
 - Role of BOPs
- Purpose of Laws/Regulations
 - Purpose of CEs
- Ensure Pharmacist Competency/Patient Safety
 - Definition of Professional Judgment
- ***AVOIDING STATE SPECIFIC RULES***

To Teach, or Not to Teach...??

- **Federal Laws and Regulations**
 - Pharmacist's Manual (CSA)
 - Poison Prevention Packaging Act
- ***Pharmacy Practice and the Law***
- **Current MPJE Competencies**



Guidance for Creating a UPJE Blueprint



Area 1

- Self-regulation in pharmacy
- Approaches to regulation
- Reasons to regulate professions
- State boards of pharmacy
- Federal Agencies (FDA, DEA, HHS, etc)
- State Regulation of Long-Term Care Facilities
- State Hospital Pharmacy Licensure Issues



Area 2

- Licensing • Licensing durable medical equipment facilities
- Licensing of pharmacists • Automation
- Licensing/permitting of pharmacies • CE/competency
- Licensing of wholesale drug distributors • Nonresident (mail-order) pharmacies
- Licensing of non-pharmacist personnel • Nonresident (internet) pharmacies



Area 3

- Grounds for discipline
- Reinstatement of a license
- Unprofessional/unethical conduct
- Impaired pharmacist programs
- Due process/administrative procedure
- Actions against a pharmacy license/
- Absence of a pharmacist registration/permit



Area 4

- Standards of practice
- Applicable US Pharmacopeia chapters
- Practice of pharmacy defined
- Supervision of non-pharmacist personnel
- Counseling requirements
- Liability and malpractice
- Collaborative practice agreements/prescriptive authority/state protocols
- Prescription monitoring programs
- Emergency refill authorization

Continuous quality improvement programs*

*The committee considered including this item in a separate Area 5.



Committee Recommendations

- UPJE-participating states will not be allowed to require a separate test of regulatory competency as a condition of licensure.
- NABP will encourage, but not require, UPJE-participating states to develop and implement a supplementary “**plus module**” to teach state-specific laws and regulations for new licensees.
- NABP will provide development resources and support to those UPJE-participating states that wish to implement a plus module to teach state-specific laws and regulations for candidates or new licensees.
- NABP’s competency assessment experts will use the guidance provided by the steering committee to develop a UPJE blueprint.

Advantages/Disadvantages

- Increased Mobility for Licensees
- Licensees take fewer exams
- Less \$\$\$ in the long term
- Lighter workload for BOPs in eligibility determination
- More \$\$\$ at initial licensure
- Increased short term workload for BOPs in developing “**plus modules**”

KAHOOT!

- Federal Law Review
- Game PIN: 005673311
- QR:



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Tort Law Relevancy for Pharmacists

- August 2022-A Minnesota Trial Court ruled in favor of [pharmacist](#) who refused to fill emergency contraception based on religious beliefs
- March 2024-A [Minnesota Court of Appeals](#) rejected part of that ruling saying the pharmacist engaged in discrimination.

What Now?

- Case will either go to:
 - Minnesota Supreme Court
 - Returned to Trial Court
- May be the first ruling in the country to find that a refusal to dispense emergency contraception is a form of sex discrimination.

Right of Refusal Legislation

- What does your state say?
- Are you “protected?”
- Fluid topic and projected to stay that way...
- Case law “makes law” daily.
- Be informed and stay active in state/federal organizations

Can a pharmacist refuse to dispense a prescription?

- While federal law does not specifically address this matter, Nebraska and Arizona statutes do:
- **NRS 38-2870(3)**: The Pharmacy Practice Act shall not be construed to require any pharmacist or pharmacist intern to dispense, compound, administer, or prepare for administration any drug or device pursuant to any medical order. **A pharmacist or pharmacist intern shall retain the professional right to refuse to dispense.**
- **ARS 36-2154**-Right to refuse to participate in abortion
- **THE ARIZONA PHARMACIST'S RIGHT TO REFUSE TO PARTICIPATE IN CARE**-One Arizona law firm's perspective.

Nebraska Revised Statute 38-2870 (3)

- (3) Prescription drugs or devices may only be dispensed by a pharmacist or pharmacist intern pursuant to a medical order, by an individual dispensing pursuant to a delegated dispensing permit, or as otherwise provided in section 38-2850. Notwithstanding any other provision of law to the contrary, a pharmacist or a pharmacist intern may dispense drugs or devices pursuant to a medical order or an individual dispensing pursuant to a delegated dispensing permit may dispense drugs or devices pursuant to a medical order. **The Pharmacy Practice Act shall not be construed to require any pharmacist or pharmacist intern to dispense, compound, administer, or prepare for administration any drug or device pursuant to any medical order. A pharmacist or pharmacist intern shall retain the professional right to refuse to dispense.**

Arizona Revised Statute 36-2154. Right to refuse to participate in abortion; abortion medication or **Emergency Contraception**

- A hospital is not required to admit any patient for the purpose of performing an abortion. A physician, or any other person who is a member of or associated with the staff of a hospital, or any employee of a hospital, doctor, clinic or other medical or surgical facility in which an abortion has been authorized, **who states in writing an objection to the abortion on moral or religious grounds** is not required to facilitate or participate in the medical or surgical procedures that will result in the abortion.
- **A pharmacy**, hospital or health professional, **or any employee of a pharmacy**, hospital or health professional, **who states in writing an objection to abortion, abortion medication, emergency contraception or any medication or device intended to inhibit or prevent implantation of a fertilized ovum on moral or religious grounds** is not required to facilitate or participate in the provision of an abortion, abortion medication, emergency contraception or any medication or device intended to inhibit or prevent implantation of a fertilized ovum. **The pharmacy**, hospital or health professional, **or an employee of the pharmacy**, hospital or health professional, **shall return to the patient the patient's written prescription order.**

References

- National Association of Boards of Pharmacy (NABP), [Report of the UPJE Steering Committee](#), Summer 2023
- [2024 NABP Candidate Application Bulletin](#)
- [Nebraska Revised Statutes-Pharmacy Practice Act](#)
- [Arizona Revised Statutes-Public Health and Safety](#)
- [Boesen & Snow Law LLC.](#)

Questions or Comments??

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**The moment you become more convinced about what is in you than afraid of what is against you,
then you are about to push the limits of what is possible for your life.**

(I Corinthians 6:19, Acts 1:8, Acts 2:38, Romans 15:13, John 14:16-17, John 14:26, Isaiah 11:2, Micah 3:8, Acts 2:4)