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OHIO STATE BOARD OF PHARMACY, THE—REGISTERED PHARMACIST—APPLICANT SEEKING RECIPROCAL REGISTRATION MUST COMPLY WITH EACH REQUIREMENT OF SECTION 1302, G. C.—STATUS WHERE PERSON MAY REGISTER WITHOUT EXAMINATION—SECTION 1305, G. C.

SYLLABUS:

The Ohio State Board of Pharmacy may not register a person as a pharmacist without examination and issue him a certificate of such registration under the provisions of Section 1305, General Code, unless the applicant seeking reciprocal registration complies with each requirement contained in Section 1302, General Code.

COLUMBUS, OHIO, June 1, 1939.

HON. M. N. FORD, *Secretary, State Board of Pharmacy, Columbus, Ohio.*

DEAR SIR: This will acknowledge receipt of your request for my opinion, which reads as follows:

“This is a request to your office, as to whether or not this department may grant a pharmacist certificate to an applicant from another state under the provisions of Sections 1305 and 1306 of the General Code of Ohio, under the following conditions:

The applicant has submitted proof of being a graduate of a first grade high school, as well as being a graduate of a two year pharmacy course in a college of pharmacy recognized by the Ohio Board and was of the required age of twenty-one years at the time of his examination in the state from which he applies.

In addition to the above requirements, the State Board of Pharmacy in the state in which the applicant was registered, certified to this department, that the applicant had eighteen months of apprenticeship training at the time of his examination, which he successfully passed. They also certify that while he was admitted to the examination with the above requirements, he was not issued a pharmacist certificate until six months later when he submitted further evidence of having completed six months more of apprenticeship.

Under Section 1302 of the General Code, our Board has ruled that no applicant may be admitted to our examinations,

unless at the time of the examination, the applicant had the necessary college training which includes graduation and at least two years of practical drug store experience in case of a two year course in pharmacy.

The question is, therefore, has this department the right to grant a reciprocal certificate to an applicant that did not have the Ohio requirements at the time of his examination in the state from which he applies."

The conditions under which your Board may register a person as a pharmacist without examination, and issue him a certificate of such registration, in the event such person is duly registered as a pharmacist under the laws of another state, are contained in Sections 1305 and 1306, General Code, as follows:

Section 1305.

"The state board of pharmacy may register a person as a pharmacist without examination and issue him a certificate of such registration if he is legally registered as a pharmacist and holds a certificate of such registration under the laws of another state, upon the following conditions: Each applicant for such registration must have been registered by examination and at the time of examination in the state in which he is registered must have filed with the board at least the credentials that were then required by this board for admission to the examination for a pharmacist certificate."

Section 1306.

"The standard of qualification and requirement as to competency in another state shall at least be as thorough as that established by the board of pharmacy of this state, provided however, that in case the qualifications established by any state are not as thorough as those established by the board of pharmacy of this state, such fact shall not prevent reciprocal registration to those applicants who at the time of examination and registration in another state had the requirements as demanded by the board of pharmacy of this state. The board shall not recognize certificates of registration granted by another state unless recognition is given to residents of this state holding certificates from its board of pharmacy."

Under the provisions of Section 1305, supra, a pharmacist duly registered in another state may be granted reciprocal registration without ex-

amination in this state, if such person can comply with the conditions and requirements therein contained. In the words of that statute, the conditions are that "each applicant for such registration must have been registered by examination and at the time of examination in the state in which he is registered must have filed with the board at least the credentials that were then required by this board for admission to the examination for a pharmacist certificate."

The requirements and qualifications which an applicant for certification as a pharmacist in this state must meet, in order to be eligible for registration, are set forth in Section 1302, General Code, which reads as follows:

"An applicant for certificate as pharmacist shall be a citizen of the United States, shall be not less than twenty-one years of age, shall be a graduate from a school of pharmacy in good standing as defined in section 1303-2 of the General Code, shall have completed at least a two years' course in such school as defined in section 1303-2 of the General Code and shall have had at least two years of practical experience in a drug store in charge of a registered pharmacist where physicians' prescriptions are compounded; provided, however, that if the applicant has taken a longer course in a school of pharmacy in good standing, each additional year successfully passed shall be counted as one year of practical experience."

At this point I might say that, although the statute above quoted does not specifically state that the qualifications therein set forth are required as a preliminary condition for admission to the examination referred to in Section 1301, I feel that it may fairly be said to be the intent of the Legislature that they operate as preliminary requisites. A contrary view would give rise to the untenable position that after admission to and passage of the examination an applicant would then be required to comply with the provisions of Section 1302, *supra*. The better view, it seems, is that the legislative intent expressed in Section 1302, in which is set forth the qualifications of pharmacists, is to require an applicant to meet them prior to admission to the examination in view of the fact that such time appears to be the most logical for presentation.

In view of the foregoing, it follows that under the provisions of Section 1302, *supra*, in order to gain admission to the examination given by your Board, an applicant, among other things, must present evidence to show he has completed a two year course in a recognized school of pharmacy and also that he has had in addition thereto two years of practical experience in a drug store in charge of a registered pharmacist where physicians' prescriptions are compounded or in lieu of the two years' practical experience, he must show completion of an additional two year

course at a recognized school of pharmacy. In like manner, by virtue of the mandatory provisions of Section 1305, *supra*, a person seeking reciprocal registration without examination must show compliance with that requirement at the time of the examination in the state in which he is registered in order to obtain a certificate in this state.

Your communication points out that at the time the applicant mentioned therein took the examination in the sister state he was a citizen of the United States, twenty-one years of age, a graduate of a two year course in a school of pharmacy recognized by your Board, and the possessor of eighteen months of practical experience in a drug store in charge of a registered pharmacist where physicians' prescriptions are compounded. Comparing his qualifications with those contained in Section 1302, *supra*, it will readily be seen that the applicant in question fails by six months to meet the two year practical experience qualification required under the provisions of said section. The several qualifications in Section 1302, *supra*, are not in the alternative, and it is therefore essential that all be met by an applicant in order to qualify for admission to the examination. The failure to satisfy any one of such qualifications would clearly disqualify an applicant.

In view of the fact that the applicant for reciprocal registration, referred to in your communication, had only eighteen months' practical experience at the time he took the examination in the state in which he is registered, it is my opinion that he fails to qualify for such registration and your Board may not register him without examination as a pharmacist and issue him a certificate of such registration as provided in Section 1305, *supra*.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

683.

COSMETOLOGIST—WHERE LICENSE OF MANAGING COSMETOLOGIST LAPSED—RETIREMENT FROM PRACTICE—MAY BE RESTORED—COMPLIANCE WITH SECTION 1082-13, G. C.

SYLLABUS:

When the license of a managing cosmetologist has lapsed because of retirement from practice, said party is entitled to have the manager's license restored upon compliance with the requirements of Section 1082-13, General Code.

COLUMBUS, OHIO, June 1, 1939.

State Board of Cosmetology, 810 Wyandotte Building, Columbus, Ohio.

MESDAMES: You have requested my opinion on the following question: If the license of a managing operator lapses by reason of non-