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RECIPROCITY; EXAMINATION SYSTEM -- (1) SUBSTANTIALLY SAME QUALIFICATIONS AS §4729.08 RC; (2) STATE INVOLVED MUST GRANT RECIPROCITY TO OHIO REGISTERED PHARMACISTS—ENTITLES FOREIGN PHARMACIST TO BE REGISTERED WITHOUT TAKING OHIO PHARMACIST EXAMINATION. . .

**SYLLABUS:**

The Ohio Pharmacy Board may register, without re-examination, pharmacists who have been registered under the laws of another state under a split examination system, that is to say, an examination system under which a portion of the required examination is administered to the applicant prior to his serving a required apprenticeship period and a second part is administered after such service, provided that: (a) Such foreign applicants possess substantially the same qualifications required of Ohio applicants as set forth in Section 4729.08, Revised Code, and (b) the state where such foreign applicant was registered grants reciprocity to registered pharmacists of this state.

Columbus, Ohio, July 12, 1957

Mr. M. N. Ford, Secretary, State Board of Pharmacy  
Columbus, Ohio

Dear Sir:

I have before me your request for my opinion on the interpretation of the reciprocity laws concerning the registration of foreign pharmacists, reading in pertinent part as follows:

“Our board requires every applicant to our examination for registration as a pharmacist to meet all the requirements of Section 4729.08 of the Revised Code before he can be admitted to the examination.

“Now, we have a reciprocal applicant from a neighbor state who has been registered longer than one year who was admitted to his state board examination upon his graduation from a recognized college of pharmacy but without the required one year retail drug store experience. He was given the written examination and at a later date, upon completing the one year retail drug store experience, he appeared before the board of pharmacy and was given a practical examination and was registered as a pharmacist.

“Now, assuming the standard of qualification as to competency in the other state is as thorough as that established in this state and all other requirements of this state are met, *except the applicant did not have the Ohio requirements at the time he was admitted to the written examination, as is required in the Ohio law*, is such applicant entitled to reciprocal registration in this state upon application and the payment of the required fee?”  
(Emphasis added.)

As you have noted, all applicants for registration in Ohio must meet the requirements of Section 4729.08, Revised Code. One of my predecessors in Opinion No. 682, Opinions of the Attorney General for 1939, p. 839, said that the requirements of this section, then Section 1302, General Code, apply as well to foreign pharmacists seeking registration in this state. Therefore I will assume for the purpose of this opinion that the applicant in question at this time possesses the qualifications recited in Section 4729.08, Revised Code.

The conditions under which Ohio extends reciprocity to registered

foreign pharmacists are stated in Sections 4729.14 and 4729.15, Revised Code. Section 4729.14, Revised Code, reads:

“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.” (Emphasis added.)

Section 4729.15, Revised Code, reads:

“The standard of qualification and requirement as to competency in another state shall at least be as thorough as that established by the state board of pharmacy of this state, provided that in case of qualifications established by any state are not as thorough as those established by the board 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 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.” (Emphasis added.)

The present problem arises from what appears to be a difference in qualification *procedure* rather than in qualification *requirements* between Ohio and the neighbor state in question.

In addition to graduation from a school or college of pharmacy, this state requires that an applicant complete one year of practical work prior to examination, but this work may be completed before graduation while the applicant is still in training. The examination is of a dual nature, both theoretical and practical and is administered as a unit. If the applicant passes, he is admitted to registration. Some states, *e.g.*, Michigan, split the examination into two parts, a written examination to be taken upon graduation and a practical examination to be taken upon completion of the apprenticeship period which must be served after the applicant has graduated and passed the written examination. See Section 14.732 (6), Michigan Statutes Annotated. It will be noted, however, that in these latter cases, both examinations and the practical work must

be accomplished prior to registration, so that the end result is substantially that achieved under our statutes.

The question turns upon the meaning of the word "examination" in Sections 4729.14 and 4729.15, *supra*. If the term refers only to the written examination, the applicant cannot qualify without re-examination for registration under our law. But the effect of this interpretation would be to deny reciprocity to all states which follow procedures similar to those here involved, even though such states demand essentially the same qualifications as Ohio does. Clearly, the General Assembly did not intend such a result when it enacted the provisions of Sections 4729.14 and 4729.15, Revised Code. The apparent legislative intent was to require of foreign applicants a standard of training and competence commensurate with that provided by our statutes.

Thus, it appears that whatever examination is necessary for registration in these foreign states, be it written, practical, or both, it is the "examination" referred to in the statutes. In this view, since the applicant finished his practical work or apprenticeship prior to taking the final examination necessary for registration in his state, he has fairly met the requirements of Section 4729.14 and 4729.15, Revised Code.

Of course, only applicants from the states which grant reciprocity to Ohio pharmacists may be registered without examination. Section 4729.15, Revised Code.

Accordingly, it is my opinion and you are advised that the Ohio Pharmacy Board may register, without re-examination, pharmacists who have been registered under the laws of another state under a split examination system, that is to say, an examination system under which a portion of the required examination is administered to the applicant prior to his serving a required apprenticeship period and a second part is administered after such service, provided that: (a) such foreign applicants possess substantially the same qualifications required of Ohio applicants as set forth in Section 4729.08, Revised Code, and (b) the state where such foreign applicant was registered grants reciprocity to registered pharmacists of this state.

Respectfully,  
WILLIAM SAXBE  
Attorney General