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STATE PHARMACY BOARD CONSIDERS ONLY THOSE SCHOOLS WHICH MEET THE AMERICAN COUNCIL ON PHARMACEUTICAL EDUCATIONS MINIMUM STANDARD— §§4729.08, 4729.10, R.C.

SYLLABUS:

Under Section 4729.10, Revised Code, the state board of pharmacy may consider for recognition and approval only those schools, colleges, or departments of pharmacy which meet at least the minimum standards set by the American Council on Pharmaceutical Education, Inc.

Columbus, Ohio, November 16, 1962

Dr. Rupert Salisbury, Executive Secretary
State Board of Pharmacy, Columbus 15, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Your opinion is requested with respect to the interpretation of Section 4729.10 Revised Code in connection with the recognition by this Board of Pharmacy of the School of Pharmacy of the University of Havana, Cuba.

“One of the qualifications for admission to examination and registration as a pharmacist (Section 4729.08 (D) of the Revised Code) is that the applicant be a graduate from a school or college of pharmacy or a department of pharmacy of a university recognized and approved by the State Board of Pharmacy. The applicant shall have completed at least the minimum course in pharmacy as outlined by the American Council of Pharmaceutical Education, Inc.

“This requirement is amplified by Section 4729.10 of the Revised Code which states that ‘the State Board of Pharmacy shall consider a school or college of pharmacy or a department of pharmacy of a university for recognition and approval which meets at least the minimum standards set by the American Council on Pharmaceutical Education, Inc.’

“The School of Pharmacy of the University of Havana, Havana, Cuba, does not meet the minimum standards as set by the American Council on Pharmaceutical Education, Inc. and has never been examined by that accrediting agency.

“In view of these facts, and in light of the present law, would it be possible for the State Board of Pharmacy to recognize the School of Pharmacy of the University of Havana and admit graduates of that institution to examination as having met the qualifications outlined in Section 4729.08 (D) of the Revised Code.”

Section 4729.08, Revised Code, which section sets out the qualifications for examination and registration of a pharmacist, provides in part:

“Every applicant for examination and registration as a pharmacist shall:

“* * * * * * * * * * * * * * *”

“(D) Be a graduate from a school or college of pharmacy or a department of pharmacy of a university recognized and approved by the state board of pharmacy. The applicant shall have completed at least the minimum course in pharmacy as outlined by the American Council of Pharmaceutical Education, Inc.

“* * * * * * * * * * * * * * *”

Section 4729.10, Revised Code, reads:

“The state board of pharmacy shall consider a school or college of pharmacy or a department of pharmacy of a university for recognition and approval which meets at least the minimum standards set by the American Council of Pharmaceutical Education, Inc.”

Accordingly, an applicant for examination must be a graduate from an approved school or college, or department, and must have completed a minimum course in pharmacy.

The state board of pharmacy is charged with determining whether such a school, college, or department should be approved. In such determination, however, the board may recognize and approve only those schools, colleges and departments which meet at least the minimum standards of the American Council on Pharmaceutical Education, Inc. Section 4729.10, *supra*, appears clear in that regard, as under its provisions, the board is only to *consider* those institutions meeting the minimum standards. The obvious interpretation is that the board has a discretion to approve and may only approve where the minimum standards are met. If the section required that the board *approve* rather than *consider* for recognition and approval where minimum standards are met, an opposite conclusion might be reached, but the actual language used allows for only one conclusion.

Under the facts given the School of Pharmacy of the University of Havana does not meet the minimum standards as set by the American Council on Pharmaceutical Education, Inc., and the board may not, therefore, consider such school for recognition and approval.

In conclusion, it is my opinion and you are advised that under Section 4729.10, Revised Code, the state board of pharmacy may consider for recognition and approval only those schools, colleges, or departments of pharmacy which meet at least the minimum standards set by the American Council on Pharmaceutical Education, Inc.

Respectfully,
MARK MCELROY
Attorney General