Report of the 2003 Committee on Constitution and Bylaws

Members Present:
Gary Schnabel (OR), chair; C. Richard Allen (GA); Lloyd Jessen (IA); Oren M. Peacock, Jr. (TX); Susan L. Sutter (WI).

Others Present:
S. Patricia “Tris” McSherry, Executive Committee liaison; Carmen A. Catizone, NABP executive director/secretary; John F. Atkinson, NABP counsel; Melissa Madigan, Karen Oster, NABP staff.

The 2003 Committee on Constitution and Bylaws (CCB) met Thursday, March 20, 2003, at the Hyatt Rosemont, in Rosemont, Illinois.

Review of the Committee Charge
The CCB reviewed its charge as stated in the Constitution and Bylaws of the National Association of Boards of Pharmacy. No additions or changes were proposed. Therefore, the charge reads as follows:

Article VI – Amendments
Section 1.
(a) There shall be a Committee on Constitution and Bylaws consisting of five (5) members appointed annually by the President. The President shall designate a Chairman from the Committee members who shall preside at the Committee meetings.

(b) It shall be the duty of the Committee on Constitution and Bylaws to review any proposed amendments to the Constitution and Bylaws, to suggest changes, if any, to such amendments, and to make recommendation of “pass,” “not pass,” or “no recommendation” to each such proposed amendment.

Review of Previous Reports:

- 2002 Committee on Constitution and Bylaws Report
- 2002-2003 Task Force on the Evaluation and Modification of NABP’s Constitution and Bylaws Report, including subsequent proposed amendments to the Constitution and Bylaws

Chairman Schnabel and NABP staff reviewed with Committee members the 2002 Committee on Constitution and Bylaws report, noting that last year’s Committee recommended that a task force be established to perform a complete revision of the NABP Constitution and Bylaws. A complete revision, the Committee felt, would remedy the many issues that NABP members have expressed regarding the current Executive Committee nomination and election process by giving careful consideration to the system as a whole and the consequences of all revision proposals, while avoiding the problems associated with the piecemeal solutions that had been proposed over the past several years.

The recommendations of this special task force, the Task Force on the Evaluation and Modification of NABP’s Constitution and Bylaws, which met in October of 2002, were then discussed. It was explained to Committee members that the report of that Task Force was
reviewed by the NABP Executive Committee at their November 2002 meeting. With a few changes, the recommendations of that Task Force were accepted by the Executive Committee and submitted as proposed amendment to the Constitution and Bylaws. It was that proposed amendment, along with ones submitted by the Virginia Board of Pharmacy this year and by the Nevada State Board of Pharmacy last year, that this 2003 Committee on Constitution and Bylaws reviewed.

The amendments proposed by the NABP Executive Committee were reviewed as “amendment sets,” based upon the topics covered. Recommendations were made for each “amendment set.” The CCB agreed that the proposed amendments should be read and voted on as “amendment sets,” so as to allow members to vote on related issues rather than on the proposed amendments as a whole, and risk failure of the entire proposal due to disagreement on one issue.

Additionally, the CCB commented that Bylaws Amendment Set #1 should be read and voted on in concert with the proposed Constitutional amendments. According to the NABP Constitution and Bylaws, proposed amendments to the Constitution are to be read one year and discussed and voted upon in the subsequent year, while proposed amendments to the Bylaws are to be read and voted upon in the same year. Because the EC proposal contains Constitution and Bylaws amendments that are interrelated, those interrelated amendments should be read together this year and voted upon together next year, since the particular Bylaws amendment cannot stand alone.

**RECOMMENDATION #1:**
The 2003 CCB recommends “Pass” on EC Constitutional Amendment Set #1, which changes the term "pharmaceutic licensure" to "pharmacist licensure" and includes other non-substantive edits.

**EC Constitutional Amendment Set #1:**
*Amends Article II; Article III, Sections 1(a), and 2.*

**Article II — Purpose**
The purpose of the Association is to provide for interstate transfer in pharmacist licensure, based upon a uniform minimum standard of pharmacist education and uniform legislation; and to improve the standards of pharmacist education, licensure, and practice by cooperating with State, National, and International Governmental Agencies and Associations having similar objectives.

**Article III — Membership, Voting, and Districts**

**Section 1.**
(a) The members of this Association shall be the boards of pharmacy (or similar pharmacy licensing agency) of the individual States, the District of Columbia, the Territories and Commonwealths of the United States, the individual provinces of the Dominion of Canada, and such other jurisdictions that elect to join the Association and are approved, from time to time, by the Executive Committee. They shall consist of active and associate members.
Section 2.

Any final approval by an individual board of pharmacy of the Constitution and Bylaws of this Association shall be deemed a continuing approval so long as said board shall continue to permit the transfer of pharmacist licensure as provided in the Constitution and Bylaws and otherwise is a member in good standing in this Association.

RECOMMENDATION #2:
The 2003 CCB recommends “Pass” on EC Constitutional Amendment Set #2, which moves the requirement for member boards to use the NABP Disciplinary Clearinghouse from the Bylaws to the Constitution and more clearly defines active and associate member boards.

EC Constitutional Amendment Set #2:
Amends Article III, Section 1(c) and 1(d).

Article III —
Membership, Voting, and Districts

Section 1.

(c) Active member boards shall be those member boards that have formally approved the Constitution and Bylaws of the Association, and that require the use of the NABP Clearinghouse for all candidates for the purpose of transferring licensure both into and out of the state which permit the transfer of pharmacist licensure as provided by the Bylaws of this Association, shall be deemed “active” members. All other members shall be deemed “associate” members.

(d) Associate member boards shall be those member boards not classified as active member boards.

(e) Any individual who is a member or administrative officer of an active or associate member board of the Association shall be an affiliated member of the Association and shall continue to be an affiliated member hereof, although such person is no longer actively participating on such board, so long as such person has not been convicted of an offense involving moral turpitude or violation of pharmacy, liquor, or drug laws and so long as such board is a member in good standing with this Association.

RECOMMENDATION #3:
The 2003 CCB recommends “Not Pass” on EC Constitutional Amendment Set #3, which changes the composition of the Executive Committee from six to eight members with one originating from each district, describes candidate eligibility requirements, modifies nomination procedures, eliminates the Nominating Committee, and moves the section addressing removal of officers. Instead, the CCB submits its own amendment in place of this amendment as indicated in RECOMMENDATION #4 below.
Background:
The CCB felt the Executive Committee member term of office should be reduced from three years to two years to give more people the opportunity to serve. The CCB noted that the Task Force on the Evaluation and Modification of NABP’s Constitution and Bylaws also recommended this, but the EC decided against that change in its proposal, in favor of the current three-year term.

EC Constitutional Amendment Set #3:
Amends Article IV, Section 2(a), 2(b), and 2(c); Article IV, Section 3; and Article IV, Section 4.

Article IV —
Officers, Committees, and Their Duties

... 

Section 2.
(a) The business, property, and affairs of this Association shall be managed and conducted by an Executive Committee consisting of the following: (i) the immediate Past President of the Association, who shall serve for a term of one (1) year as Chairman and shall be a non-voting member (except to break a tie vote); (ii) the officers of the Association; and (iii) six (6) persons, each to serve three (3) year terms. In order to provide for staggered elections, whereby in each year two (2) candidates will be elected for three (3) year terms, in the first year that this provision becomes effective, there shall be two (2) candidates elected for three (3) year terms and one (1) candidate elected for a two (2) year term. The Executive Committee members then serving shall continue to serve the balance of their respective terms. At each Annual Meeting thereafter, individuals shall be elected for a period of three (3) years to succeed the elected member whose term expired.

(b) In the year in which Section 2(a) becomes effective, the President then serving shall become Chairman, and the President-Elect then serving shall become President. Any other officer whose term has not expired (with the exception of the President and the President-Elect) resigns and the offices of President-Elect and Treasurer shall be elected.

(c) Each district shall be represented on The Executive Committee members shall originate from each of the eight districts. In addition, there shall be no less than two (2) board members (other than administrative officers of boards) serving on the Executive Committee at all times. These requirements shall be taken into consideration by the Nominating Committee in slating candidates for the officer and other Executive Committee positions and by the Executive Committee in filling any vacancies.

... 

Section 3.
Any officer or member of the Executive Committee may be removed as such officer or member for any cause deemed sufficient by an affirmative vote of two thirds (2/3) of the total members of the Executive Committee entitled to vote. Any officer or member of the Executive Committee being considered for possible removal shall be notified in writing by the Executive Director/Secretary of the reason or reasons in summary
form for the consideration of said removal at least fifteen (15) days prior to the meeting during which the removal is to be considered. (a) A Nominating Committee shall propose the names for officers (except the Secretary) and members of the Executive Committee for election at the Annual Meeting. This Committee shall be composed of eight (8) individuals, one from each District to be elected at the District meeting as provided in Article III, Section 4(c). The District shall notify the Executive Director/Secretary of the representative to the Nominating Committee and the alternate, if one is elected, within thirty (30) days after election.

(b) The Nominating Committee, which shall meet during the Annual Meeting of the Association, shall consider individuals from each District in an effort to equalize District representation on the Executive Committee; provided, however, nothing herein shall preclude members from the same District from serving simultaneously on the Executive Committee.

(c) In the event a member of the Nominating Committee is not elected in accordance with Section 4(a), or is unable to attend the Committee meetings, an alternate member elected at the District meeting may attend and participate in the Committee meetings. If no alternate has been so designated or fails to attend, the President of the Association shall designate, at the Annual Meeting, a member from that District to serve on the Nominating Committee.

(a) The election for open officer and member positions on the Executive Committee shall take place at the Annual Meeting. Any candidate:

(i) must be an affiliated member of the Association currently serving on a board of pharmacy of an active member state;

(ii) must not, in addition to their board of pharmacy activities, currently serve as an officer, official, or staff member for any national or state pharmacy organization; and

(iii) must not have a conflict of interest with the purpose, mission statement, and operation of NABP.

(b) Open Officer Positions.

(i) At least 60 days prior to the Annual Meeting, individuals interested in seeking to run for an officer position on the Executive Committee will notify the Executive Director/Secretary in writing of such intent. Only those individuals who have been determined by NABP to meet all qualifications for office shall be eligible to run. All eligible individuals shall be placed on the ballot.

(ii) Additional nominations for each open officer position may be made from the floor during any business session. Only those individuals who have notified the Executive Director/Secretary in writing at least 30 days prior to the Annual Meeting of their intention to seek office shall be eligible to be nominated from the floor. Only those individuals who have been determined by NABP to meet all qualifications for office, as set forth in paragraph (a) of this section, shall be eligible to run. All eligible individuals nominated from the floor shall be placed on the ballot.

(iii) In the event no individual notifies NABP of their interest in seeking to run for an open officer position and no individual is nominated from the floor for such open position, the Executive Committee shall select the nominee or nominees for each such position. In the event of resignation, death, ineligibility, or inability to serve on the part of a nominee, the 30-day prior notice requirement shall be waived for the selection of a new candidate.
(c) Open Member Positions

(i) At least 60 days prior to the Annual Meeting, each district with an open Executive Committee member position shall nominate no more than two qualified individuals to run for the open district position, in conformance with policies and procedures established by the Executive Committee to guarantee the security and integrity of the process, and notify the Executive Director/Secretary in writing of such nominations. Only those individuals who have been determined by NABP to meet all qualifications for office shall be eligible to run. All eligible individuals shall be placed on the ballot.

(ii) Nominations for each open district member position in addition to nominations provided by Section 3(c)(i) may be made from the floor during any business session. Only those individuals who have notified the Executive Director/Secretary in writing at least 30 days prior to the Annual Meeting of their intention to seek office shall be eligible to be nominated from the floor. All eligible individuals nominated from the floor shall be placed on the ballot.

(iii) In the event no individual is nominated by the district or from the floor for an open Executive Committee member position, the Executive Committee shall select, in consultation with the district for which the open position exists, the nominee or nominees for each such position. In the event of resignation, death, ineligibility, or inability to serve on the part of a nominee, the 30-day prior notice requirement shall be waived for the selection of a new candidate.

Section 4.

Any officer or member of the Executive Committee may be removed as such officer or member for any cause deemed sufficient by an affirmative vote of two thirds (2/3) of the total members of the Executive Committee entitled to vote. Any officer or member of the Executive Committee being considered for possible removal shall be notified in writing by the Executive Director/Secretary of the reason or reasons in summary form for the consideration of said removal at least fifteen (15) days prior to the meeting during which the removal is to be considered.

RECOMMENDATION #4:
The 2003 CCB recommends “Pass” on its own Constitutional Amendment Set #3, which changes the composition of the Executive Committee from six to eight members, decreases Executive Committee member term of office from three years to two years, describes candidate eligibility requirements, modifies nomination procedures, eliminates the Nominating Committee, and moves the section addressing removal of officers.

CCB Constitutional Amendment Set #3:
Amends Article IV, Section 2(a), 2(b), and 2(c); Article IV, Section 3; and Article IV, Section 4.
Article IV — Officers, Committees, and Their Duties

Section 2.

(a) The business, property, and affairs of this Association shall be managed and conducted by an Executive Committee consisting of the following: (i) the immediate Past President of the Association, who shall serve for a term of one (1) year as Chairman and shall be a non-voting member (except to break a tie vote); (ii) the officers of the Association; and (iii) six (6) eight (8) persons, each to serve three (3) two (2) year terms. In order to provide for staggered elections, whereby in each year two (2) four (4) candidates will be elected for three (3) two (2) year terms, in the first year that this provision becomes effective, there shall be two (2) candidates elected for three (3) two (2) year terms, two (2) candidates elected for two (2) year terms, and two (2) candidates elected for a one (1) year term. The Executive Committee members then serving shall continue to serve the balance of their respective terms. At each Annual Meeting thereafter, individuals shall be elected for a period of three (3) two (2) years to succeed the elected member whose term expired.

(b) In the year in which Section 2(a) becomes effective, the President then serving shall become Chairman, and the President-Elect then serving shall become President. Any other officer whose term has not expired (with the exception of the President and the President-Elect) resigns and the offices of President-Elect and Treasurer shall be elected.

(c) Each district shall be represented on The eight Executive Committee members shall originate from each of the eight districts. In addition, there shall be no less than two (2) board members (other than administrative officers of boards) serving on the Executive Committee at all times. These requirements shall be taken into consideration by the Nominating Committee in slating candidates for the officer and other Executive Committee positions and by the Executive Committee in filling any vacancies.

Section 3.

Any officer or member of the Executive Committee may be removed as such officer or member for any cause deemed sufficient by an affirmative vote of two thirds (2/3) of the total members of the Executive Committee entitled to vote. Any officer or member of the Executive Committee being considered for possible removal shall be notified in writing by the Executive Director/Secretary of the reason or reasons in summary form for the consideration of said removal at least fifteen (15) days prior to the meeting during which the removal is to be considered.

Section 4.

(a) A Nominating Committee shall propose the names for officers (except the Secretary) and members of the Executive Committee for election at the Annual Meeting. This Committee shall be composed of eight (8) individuals, one from each District to be elected at the District meeting as provided in Article III, Section 4(c). The District shall notify the Executive Director/Secretary of the representative to the Nominating Committee and the alternate, if one is elected, within thirty (30) days after election.

(b) The Nominating Committee, which shall meet during the Annual Meeting of the Association, shall consider individuals from each District in an effort to equalize District representation on the Executive
Committee; provided, however, nothing herein shall preclude members from the same District from serving simultaneously on the Executive Committee.

(c) In the event a member of the Nominating Committee is not elected in accordance with Section 4(a), or is unable to attend the Committee meetings, an alternate member elected at the District meeting may attend and participate in the Committee meetings. If no alternate has been so designated or fails to attend, the President of the Association shall designate, at the Annual Meeting, a member from that District to serve on the Nominating Committee.

(a) The election for open officer and member positions on the Executive Committee shall take place at the Annual Meeting. Any candidate:

(i) must be an affiliated member of the Association currently serving on a board of pharmacy of an active member state;
(ii) must not, in addition to their board of pharmacy activities, currently serve as an officer, official, or staff member for any national or state pharmacy organization; and
(iii) must not have a conflict of interest with the purpose, mission statement, and operation of NABP.

(b) Open Officer Positions.

(i) At least 60 days prior to the Annual Meeting, individuals interested in seeking to run for an officer position on the Executive Committee will notify the Executive Director/Secretary in writing of such intent. Only those individuals who have been determined by NABP to meet all qualifications for office shall be eligible to run. All eligible individuals shall be placed on the ballot.

(ii) Additional nominations for each open officer position may be made from the floor during any business session. Only those individuals who have notified the Executive Director/Secretary in writing at least 30 days prior to the Annual Meeting of their intention to seek office shall be eligible to be nominated from the floor. Only those individuals who have been determined by NABP to meet all qualifications for office, as set forth in paragraph (a) of this section, shall be eligible to run. All eligible individuals nominated from the floor shall be placed on the ballot.

(iii) In the event no individual notifies NABP of their interest in seeking to run for an open officer position and no individual is nominated from the floor for such open position, the Executive Committee shall select the nominee or nominees for each such position. In the event of resignation, death, ineligibility, or inability to serve on the part of a nominee, the 30-day prior notice requirement shall be waived for the selection of a new candidate.

(c) Open Member Positions

(i) At least 60 days prior to the Annual Meeting, each district with an open Executive Committee member position shall nominate no more than two qualified individuals to run for the open district position, in conformance with policies and procedures established by the Executive Committee to guarantee the security and integrity of the process, and notify the Executive Director/Secretary in writing of such nominations. Only those individuals who have been determined by NABP to meet all qualifications for office shall be eligible to run. All eligible individuals shall be placed on the ballot.
(ii) Nominations for each open district member position, in addition to nominations provided by Section 3(c)(i) may be made from the floor during any business session. Only those individuals who have notified the Executive Director/Secretary in writing at least 30 days prior to the Annual Meeting of their intention to seek office shall be eligible to be nominated from the floor. All eligible individuals nominated from the floor shall be placed on the ballot.

(iii) In the event no individual is nominated by the district or from the floor for an open Executive Committee member position, the Executive Committee shall select, in consultation with the district for which the open position exists, the nominee or nominees for each such position. In the event of resignation, death, ineligibility, or inability to serve on the part of a nominee, the 30-day prior notice requirement shall be waived for the selection of a new candidate.

Section 4.

Any officer or member of the Executive Committee may be removed as such officer or member for any cause deemed sufficient by an affirmative vote of two thirds (2/3) of the total members of the Executive Committee entitled to vote. Any officer or member of the Executive Committee being considered for possible removal shall be notified in writing by the Executive Director/Secretary of the reason or reasons in summary form for the consideration of said removal at least fifteen (15) days prior to the meeting during which the removal is to be considered.

RECOMMENDATION #5:
The 2003 CCB recommends “Pass” on EC Constitutional Amendment Set #4, which removes references to ACE member appointments and Committee duties, moves language addressing standing committees, and adds a list of standing committees.

*EC Constitutional Amendment Set #4:*
*Amends Article IV, Section 5; Article IV, Sections 7 and 8.*

**Article IV —**
**Officers, Committees, and Their Duties**

... 

**Section-5:**
(a) There shall be an Advisory Committee on Examinations to be appointed by the President, consisting of at least five (5) nor more than seven (7) affiliated members of the Association. The term of the members shall be for three (3) years, each one to be appointed, to the extent possible, on a staggered basis. The initial term of each such member appointed hereunder may be less than three (3) years, as determined by the President, to provide for the three (3) year staggered appointments. Thereafter, at the expiration of each term of an affiliated member, the President shall be empowered to appoint a successor for a term of three (3) years and to fill any vacancy that occurs from time to time, however created, by appointment of an affiliated member to complete the unexpired term of office. Members currently serving on the Committee shall complete their respective terms.
(b) If, at any time, there are more than two (2) members of the Committee not currently serving on a Board of Pharmacy, a vacancy shall be deemed to exist by the President in all positions in excess of two held by members not currently serving on a Board of Pharmacy. Each such vacancy shall be filled by appointment of an affiliated member currently serving on a Board of Pharmacy for the remainder of the term of the member being replaced.

(c) The members of the Advisory Committee on Examinations shall select from the members of the Committee a Chairman to serve for a period of one (1) year. Any person serving as Chairman can be reelected to the office of the Chairman position.

(d) It shall be the duty of the Chairman of said Committee, when directed by the President of the Association, to visit member boards to observe carefully the development, administration, and scoring of the examinations; to offer suggestions and recommendations when deemed necessary, to the end that examinations of member boards be made uniform to the extent achievable. Members of the Advisory Committee on Examinations other than the Chairman may be directed by the President or the Executive Director/Secretary to visit boards of pharmacy in the performance of duties of the Committee. It shall be further the duty of said Committee to make a report of each board visitation to the President of the Association, and a full report of its work and investigations and accomplishments at each Annual Meeting of the Association.

(e) The members of said Committee shall receive no compensation for their services, but shall be reimbursed for their traveling expenses upon bills of particulars approved by the Executive Director/Secretary of the Association.

Section 75.

(a) The Executive Committee shall designate, from time to time, such committees as it deems necessary to carry out the purposes of the Association.

(b) Standing committees of the Association shall include the Advisory Committee on Examinations, the Committee on Resolutions, the Committee on Constitution and Bylaws, and the Committee on Law Enforcement/Legislation.

(c) With the exception of the Advisory Committee on Examinations, and except as otherwise provided herein, each member of any elected or appointed committee of this Association, including those persons elected or appointed to fill vacancies, shall, during such term, be affiliated as a board member or as an administrative officer of an active member board of the Association.

(d) If any committee member, other than an Executive Committee member, shall not continue as a board member or as an administrative officer of an active member of this Association during such term of office, a vacancy in that position shall occur and shall be filled as provided in this Constitution by appointment by the President.

RECOMMENDATION #6:
The 2003 CCB recommends “Pass” on EC Constitutional Amendment Set #5, which makes non-substantive edits to clarify Committee on Resolutions language and Committee on Constitution and Bylaws language.

**EC Constitutional Amendment Set #5:**
*Amends Article IV, Section 6; Article VI, Section 1.*

**Section 6.**

(a) The Committee on Resolutions shall consist of eight (8) members, one from each District, to be elected at the District meeting as provided in Article III, Section 4(c). The District shall notify the Executive Director/Secretary of the representative to the Resolutions Committee and the alternate, if any, is elected, within at least thirty (30) days after election prior to the Annual Meeting.

(b) In the event a member of the Committee on Resolutions is not elected in accordance with Section 4(a), or is unable to attend the Committee meetings, an alternate member elected at the District meeting may attend and participate in the Committee meetings. If no alternate has been so designated or fails to attend, the President of the Association shall designate, at the Annual Meeting, a member from that District to serve on the Resolutions Committee.

(c) The Committee on Resolutions will meet during the Annual Meeting of the Association to give due consideration of resolutions submitted to the Association, check against duplication or contradiction with past resolutions or policy adopted by this Association, refer all resolutions concerning examination procedures not previously so referred by the Executive Director/Secretary to the Advisory Committee on Examinations for report before submitting same to the Association, and put resolutions in proper phraseology and form before submitting them to the Association. All resolutions shall be submitted to the Association for consideration, with a committee recommendation to "pass," "not pass," or "with no recommendation."

(d) Any active member board, district, or committee of the Association may submit resolutions to the Association. Except as otherwise provided in subparagraph (c) of this section, all resolutions submitted in writing to the Association at least twenty (20) days prior to the date of the Annual Meeting shall be presented at the Annual Meeting for consideration. Resolutions not presented within such time limitations may be presented during the Annual Meeting and will be considered for adoption by the Association upon the affirmative vote of three-fourths (3/4) of those Association members present and constituting a quorum.

**Section 7.**

(a) Except as otherwise provided herein, each member of any elected or appointed committee of this Association, including those persons elected or appointed to fill vacancies, shall, during such term, be affiliated as a board member or as an administrative officer of an active member board of the Association.

(b) If any committee member, other than an Executive Committee member, shall not continue as a board member or as an administrative officer of an active member of this Association during such term of office, a vacancy in that position shall occur and shall be filled as provided in this Constitution by appointment by the President.

**Section 8.**
The Executive Committee shall designate, from time to time, such additional committees as it deems necessary to carry out the purposes of the Association.

**Article VI — Amendments**

**Section 1.**

(a) There shall be a Committee on Constitution and Bylaws consisting of five (5) members appointed annually by the President. The President shall designate a Chairman from the Committee members who shall preside at the Committee meetings.

(b) It shall be the duty of the Committee on Constitution and Bylaws to review any proposed amendments to the Constitution and Bylaws, to suggest changes, if any, to such amendments, and to make a Committee recommendation of "pass," "not pass," or "no recommendation" to each such proposed amendment.

(c) Any active member board, the Executive Committee, or the Committee on Constitution and Bylaws may propose amendments to the Constitution and Bylaws of the Association.

**RECOMMENDATION #7:**
The 2003 CCB recommends “Pass” on EC Bylaws Amendment Set #1, which removes language on active and associate member boards. Such language was added to the Constitution in Constitutional Amendment Set #2.

**EC Bylaws Amendment Set #1:**
*Amends Article I, Section 1.*

**Article I**

**Section 1. Membership**

Any board of pharmacy which has formally approved the Constitution of the Association and these Bylaws, and which shall require the use of the NABP Clearinghouse for all candidates for the purpose of transferring licensure both into and out of the state, shall be an active member board. All other member boards shall be associate members.

**RECOMMENDATION #8:**
The 2003 CCB recommends “Pass” on EC Bylaws Amendment Set #2, which makes non-substantive, technical edits.

**EC Bylaws Amendment Set #2:**
*Amends Article I, Sections 2 and 3.*

**Article I**

...**Section 2. Active Membership Dues**

*Effective January 1, 1986.* The membership fee of the boards of pharmacy which apply for "active" membership shall be $250.00, which amount shall be the annual dues.

**Section 2. Associate Membership Dues**
Effective January 1, 1986, the membership fee of the boards of pharmacy which apply for "associate" membership shall be $250.00, which amount shall be the annual dues.

Recommendaition #9:
The 2003 CCB recommends “Not Pass” on EC Bylaws Amendment Set #3, which incorporates a competence basis for licensure by licensure transfer, including a provision that allows states to accept applicants for licensure transfer on the basis of a license received by licensure transfer, rather than only a license by exam. It also expands the criteria that states agree to require of applicants for licensure transfer, and removes procedural language for licensure transfer process. Instead, the CCB submits its own amendment in place of this amendment as indicated in RECOMMENDATION #10 below.

Background:
The CCB felt that this language required states to accept for licensure those pharmacists who transfer their license on the basis of a transferred license, and that this might not be acceptable in every state. They were concerned that states may have laws or regulations prohibiting it or that states may not feel it is in the best interest of the public health. The CCB wanted to make that optional for states (see RECOMMENDATION #10).

EC Bylaws Amendment Set #3:
Amends Article II, Sections 1, 2, 3, 4, and 5; Article III.

Article II
Section 1. Definition of Transfer of Licensure
The purpose of Article II in furtherance of the Constitution of the Association is to provide a competence-based system for the transfer of licensure among member boards based on minimum uniform standards of licensure to protect the public health and welfare. Transfer of licensure among member boards may be accomplished by reciprocity or endorsement. Applications Requests for transfer of licensure shall be processed pursuant to the foregoing provisions of this Article II.

Section 2. Transfer of Licensure Fee
(a) Any pharmacist who has acquired by examination a license granted by any member board of pharmacy and whose application licensure transfer request is processed through the NABP Clearinghouse Procedure may apply for licensure from any other member board of pharmacy.

(b) The fee to be paid to the National Association of Boards of Pharmacy shall be as determined, from time to time, by the Executive Committee. The Executive Committee will inform the membership of any fee change. Any pharmacist who holds a license (earned by graduating from an accredited program approved by the board, successfully passing the National Association of Boards of Pharmacy Licensure Examination (NABPLEX), or North American Pharmacist Licensure Examination (NAPLEX), or, prior to June 1, 1979, any state board examination deemed to be equivalent to these two examinations by the state boards, and satisfying all practical experience requirements) in good standing, by examination or through licensure
transfer after June 1, 1979, and whose licensure transfer request is processed through the NABP Clearinghouse Procedure may apply for licensure from any other member board of pharmacy.

Section 3. Application for Licensure Transfer

An applicant will be supplied with the application forms which must be completed and submitted within ninety (90) days to the member board of pharmacy where he seeks to become licensed with the fee which is required by that board. The application will be serially numbered, dated, and signed by the Executive Director/Secretary and bear a statement to indicate that the fee has been paid. Time in which to file the completed application will be extended or permission to use it to apply for a license from another member board will be granted upon request and payment of an additional fee to be determined, from time to time, by the Executive Committee for each time such extension or change is requested. An application which has not been completed and submitted to a board within one (1) year after the date on which it was issued shall be deemed null and void and the applicant shall not be entitled to a refund for the fees paid.

Section 43. Transfer of Licensure Requirements

(a) A member board of pharmacy may agree to consider an applicant for licensure transfer into their state eligible to be licensed if the application forms that the applicant completes and submits documentation verifying the following through the NABP Clearinghouse Procedure fail to furnish evidence of the following:

1. Graduation from a pharmacy program of a school or college of pharmacy approved by the board;
   Has graduated and received the first professional undergraduate degree from an accredited pharmacy degree program which has been approved by the board of pharmacy.

2. Passing of the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) or the North American Pharmacist Licensure Examination (NAPLEX) or prior to June 1, 1979, any state board examination deemed to be equivalent to these two examinations by the state boards.

2.3. That the license which the applicant acquired by examination from the member board from which he applies is in good standing

If an applicant was licensed by examination by a member board on or prior to June 1, 1979, such licensure by exam shall be the basis for licensure transfer. If an applicant was licensed by examination using NABPLEX or NAPLEX after June 1, 1979, and the applicant graduated from an accredited pharmacy degree program approved by the board, then such licensure by exam or any licensure by licensure transfer obtained by the applicant shall be the basis for licensure transfer.

3. The applicant, if examined after June 1, 1979, passed the National Association of Boards of Pharmacy Standard Examinations for licensure or equivalent examinations given by a member board and obtained the following scores:

   i. at least 75 on any practical examination;

   ii. general average of 75 on all examinations but not less than 60 on any subject; the applicant, if examined after June 1, 1986, passed the National Association of Boards of Pharmacy Standard Examination for licensure or an equivalent examination given by a member board and obtained a score of not less than 75.
4. If the applicant is licensed less than a year, that the applicant shall submit documentation from a national clearinghouse approved by the board show that he acquired at least 1,500 hours of practical pharmacy experience under the instruction of a licensed pharmacist.

5. The applicant is, in fact, physically and mentally qualified to function as a pharmacist.

6. The applicant is of good moral character, temperate habits, and does not engage in the unlawful use of drugs. That the applicant

   i. has not been convicted of, entered a plea of guilty, nolo contendere or no contest to a crime in any US or foreign jurisdiction other than a minor traffic offense. Driving Under the Influence or Driving While Intoxicated are not minor traffic violations for purposes of this section;

   ii. has not had disciplinary action taken against his or her pharmacist or other professional licenses in any US or foreign jurisdiction;

   iii. has never surrendered a pharmacist or other professional license or registration in any US or foreign jurisdiction;

   iv. has not been denied a professional license or registration, or the privilege of taking a professional licensure or registration examination, in any US or foreign jurisdiction;

   v. has not been refused renewal of a license or registration in any US or foreign jurisdiction;

   vi. To the best of his or her knowledge, is not presently being investigated and has no disciplinary action currently pending against applicant in any US or foreign jurisdiction, has not been convicted, fined, or had his license suspended or revoked for violation of pharmacy, liquor, or drug laws, or at the time of applying for the transfer of his license is charged with such a violation nor has been found guilty of a felony or at the time of applying for transfer is charged with such a violation.

7. That the total of the applicant's practical pharmacy experience, and his experience in the practice after licensure, is at least equivalent to the practical pharmacy experience required in the state into which he is seeking to transfer his license.

(b) A candidate shall not be deemed ineligible to be licensed because he has not met the continuing education requirements of the state into which he is applying for transfer of licensure.

Section 5. Interview and Examination

Any member board of pharmacy may require a pharmacist who applies for a transfer of license to appear before the board for the purpose of being interviewed on current pharmacy practice and examined on the laws of the jurisdiction into which the pharmacist is transferring his license.

Section 6. Temporary or Permanent Discontinuance of Licensure Transfer

No active member board shall temporarily or permanently discontinue use of the NABP Clearinghouse or refuse or unreasonably delay processing of transfer applications, except upon sixty (60) days written notice to the Executive Director/Secretary of the Association at the office of the Association. The Executive Director/Secretary shall notify all active member boards of the receipt of any such notice.
Article III

Section 1. Transfer Application
It shall be the duty of the Executive Director/Secretary to prepare the necessary transfer application, subject to the approval of the Executive Committee, and furnish them to applicants upon payment of the applicable fee.

Section 2. Application Instructions; Other Information
It shall be the duty of the Executive Director/Secretary to furnish each applicant with complete instructions as to the method of completing the NABP application, filing it with the board of pharmacy to which the applicant is applying, and all other matters of information with which prospective applicants should be familiar.

Section 3. Investigation, Information
It shall be the duty of the Executive Director/Secretary to make investigations and furnish information in regard to applicants to the board of pharmacy.

RECOMMENDATION #10
The 2003 CCB recommends “Pass” on its own Bylaws Amendment Set #3, which incorporates a competence basis for licensure by licensure transfer, integrating an allowance for licensure transfer based upon a transferred license if a state chooses to allow it. It also expands the criteria that states agree to require of applicants for licensure transfer, and removes procedural language for licensure transfer process.

CCB Bylaws Amendment Set #3:
Amends Article II, Sections 1, 2, 3, 4, and 5; Article III.

Article II

Section 1. Definition of Transfer of Licensure
The purpose of Article II in furtherance of the Constitution of the Association is to provide a competence-based system for the transfer of licensure among member boards based on minimum uniform standards of licensure to protect the public health and welfare. Transfer of licensure among member boards may be accomplished by reciprocity or endorsement. Applications/Requests for transfer of licensure shall be processed pursuant to the foregoing provisions of this Article II.

Section 2. Transfer of Licensure
(a) Any pharmacist who has acquired by examination a license granted by any member board of pharmacy holds a license by examination (earned by graduating from an accredited program approved by the board, successfully passing the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) or North American Pharmacist Licensure Examination (NAPLEX) or, prior to June 1, 1979, any state board examination deemed to be equivalent to these two examinations by the state boards, and satisfying all practical experience requirements) in good standing and whose application/transfer request is processed through the NABP Clearinghouse Procedure may apply for licensure from any other member board of pharmacy.
(b) The fee to be paid to the National Association of Boards of Pharmacy shall be as determined, from time to time, by the Executive Committee. The Executive Committee will inform the membership of any fee change. Any pharmacist who holds a license by licensure transfer, earned after June 1, 1979, and in good standing, and whose licensure transfer request is processed through the NABP Clearinghouse Procedure may apply for licensure from any other member board of pharmacy, provided that the member board is allowed by statute and/or rule to grant licensure on the basis of a license obtained by licensure transfer.

Section 3. Application for Licensure Transfer

An applicant will be supplied with the application forms which must be completed and submitted within ninety (90) days to the member board of pharmacy where he seeks to become licensed with the fee which is required by that board. The application will be serially numbered, dated, and signed by the Executive Director/Secretary and bear a statement to indicate that the fee has been paid. Time in which to file the completed application will be extended or permission to use it to apply for a license from another member board will be granted upon request and payment of an additional fee to be determined, from time to time, by the Executive Committee for each time such extension or change is requested. An application which has not been completed and submitted to a board within one (1) year after the date on which it was issued shall be deemed null and void and the applicant shall not be entitled to a refund for the fees paid.

Section 4. Transfer of Licensure Requirements

(a) A member board of pharmacy may deem agrees to consider an applicant for licensure transfer into their state ineligible to be licensed if the application forms that the applicant completes and submits documentation verifying, at a minimum, the following through the NABP Clearinghouse Procedure fail to furnish evidence of the following:

1. Graduation from a pharmacy program of a school or college of pharmacy approved by the board; Has graduated and received the first professional undergraduate degree from an accredited pharmacy degree program which has been approved by the board of pharmacy.

2. Passing of the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) or the North American Pharmacist Licensure Examination (NAPLEX) or, prior to June 1, 1979, any state board examination deemed to be equivalent to these two examinations by the state boards.

3. That the license which the applicant acquired by examination from the member board from which he applies is in good standing

If an applicant was licensed by examination by a member board on or prior to June 1, 1979, such licensure by exam shall be the basis for licensure transfer. If an applicant was licensed by examination using NABPLEX or NAPLEX after June 1, 1979, and the applicant graduated from an accredited pharmacy degree program approved by the board, then such licensure by exam may be the basis for licensure transfer, or, if a board so chooses, any licensure by licensure transfer obtained by the applicant may be the basis for licensure transfer.

3. The applicant, if examined after June 1, 1979, passed the National Association of Boards of Pharmacy Standard Examinations for licensure or equivalent examinations given by a member board and obtained the following scores:

i. at least 75 on any practical examination;
ii. general average of 75 on all examinations but not less than 60 on any subject; the applicant, if examined after June 1, 1986, passed the National Association of Boards of Pharmacy Standard Examination for licensure or an equivalent examination given by a member board and obtained a score of not less than 75.

4. That the applicant shall submit documentation from a national clearinghouse approved by the board show that he acquired at least 1,500 hours of practical pharmacy experience under the instruction of a licensed pharmacist, provided a board may waive this requirement if the applicant is licensed more than a year.

5. The applicant is, in fact, physically and mentally qualified to function as a pharmacist.

6. The applicant is of good moral character, temperate habits, and does not engage in the unlawful use of drugs.

75. That the applicant

i. has not been convicted of, entered a plea of guilty, nolo contendere or no contest to a crime in any US or foreign jurisdiction other than a minor traffic offense. Driving Under the Influence or Driving While Intoxicated are not minor traffic violations for purposes of this section:

ii. has not had disciplinary action taken against his or her pharmacist or other professional licenses in any US or foreign jurisdiction;

iii. has never surrendered a pharmacist or other professional license or registration in any US or foreign jurisdiction;

iv. has not been denied a professional license or registration, or the privilege of taking a professional licensure or registration examination, in any US or foreign jurisdiction;

v. has not been refused renewal of a license or registration in any US or foreign jurisdiction;

vi. To the best of his or her knowledge, is not presently being investigated and has no disciplinary action currently pending against applicant in any US or foreign jurisdiction, has not been convicted, fined, or had his license suspended or revoked for violation of pharmacy, liquor, or drug laws, or at the time of applying for the transfer of his license is charged with such a violation nor has been found guilty of a felony or at the time of applying for transfer is charged with such a violation.

8. That the total of the applicant’s practical pharmacy experience, and his experience in the practice after licensure, is at least equivalent to the practical pharmacy experience required in the state into which he is seeking to transfer his license. (b) A candidate shall not be deemed ineligible to be licensed because he has not met the continuing education requirements of the state into which he is applying for transfer of licensure.

Section 5. Interview and Examination
Any member board of pharmacy may require a pharmacist who applies for a transfer of license to appear before the board for the purpose of being interviewed on current pharmacy practice and examined on the laws of the jurisdiction into which the pharmacist is transferring his license.

Section 4. Temporary or Permanent Discontinuance of Licensure Transfer
No active member board shall temporarily or permanently discontinue use of the NABP Clearinghouse or refuse or unreasonably delay processing of transfer applications, except upon sixty (60) days written notice to the Executive Director/Secretary of the Association at the office of the Association. The Executive Director/Secretary shall notify all active member boards of the receipt of any such notice.

Article III

Section 1. Transfer Application
It shall be the duty of the Executive Director/Secretary to prepare the necessary transfer application, subject to the approval of the Executive Committee, and furnish them to applicants upon payment of the applicable fee.

Section 2. Application Instructions; Other Information
It shall be the duty of the Executive Director/Secretary to furnish each applicant with complete instructions as to the method of completing the NABP application, filing it with the board of pharmacy to which the applicant is applying, and all other matters of information with which prospective applicants should be familiar.

Section 3. Investigation; Information
It shall be the duty of the Executive Director/Secretary to make investigations and furnish information in regard to applicants to the board of pharmacy.

RECOMMENDATION #11
The 2003 CCB recommends “Pass” on EC Bylaws Amendment Set #4, which removes outdated language on the Advisory Committee on Examinations.

EC Bylaws Amendment Set #4:
Amends Article IV.

Article IV

Section 1. Advisory Committee on Examinations; Test Evaluation
(a) The administrative officer of each member board not using the National Association of Boards of Pharmacy Standard Examination for licensure shall furnish the Chairman of the Advisory Committee on Examinations, upon written request, with copies of the most recent licensure examination administered by that board. It shall be the duty of the Advisory Committee on Examinations to evaluate the examination to determine whether or not said examination is equivalent to the National Association of Boards of Pharmacy Standard Examination for licensure as required under Article II, Section 3, paragraph 2, of these Bylaws. Such comparison shall be determined in accordance with the guidelines of the American Psychological Association and the Committee may employ such agents as it deems necessary, from time to time, in order to complete the evaluation.
The final report of the Committee shall be in writing and submitted to the member board furnishing the examination. The written report shall also be submitted to the membership of the Association at the next Annual Meeting following the completion of the evaluation of the examination. All examinations submitted to the Advisory Committee on Examinations shall be held in the strictest confidence by the Committee and shall be returned to the member board immediately after the evaluation.

(b) The Advisory Committee on Examinations may observe the administration of licensing examinations given by the member boards, from time to time, as the Committee shall determine. A written report shall be submitted to the member board by the Committee as soon as feasible after the observation.

(c) The Advisory Committee on Examinations shall have such further duties and responsibilities as may, from time to time, be directed to this Committee by the Executive Committee.

**RECOMMENDATION #12**
The 2003 CCB recommends “Pass” on EC Bylaws Amendment Set #5, which removes procedural language on the handling of revenue. Such procedures are addressed in NABP’s internal policies and procedures.

*EC Bylaws Amendment Set #5:*

*Amends Article V.*

**Article V**

**Section 1. Cash, Checks, and Drafts**

All monies shall be received by the Executive Director/Secretary and placed in the Association’s account with its authorized depository and appropriate records maintained for review by the Treasurer. All checks, drafts, or other orders for the payment of money by the Association shall be signed by such officer or officers, agent or agents of the corporation in such manner as shall, from time to time, be determined by resolution of the Executive Committee.

**RECOMMENDATION #13**
The 2003 CCB recommends “Pass” on EC Bylaws Amendment Set #6, which removes language on the order of business for the Annual Meeting. This information has been incorporated into NABP’s internal policies and procedures.

*EC Bylaws Amendment Set #6:*

*Amends Article VII.*

**Article IV**

**Section 1. Annual Meetings; Sessions**

The Annual Meeting of the Association shall be divided into sessions, the number of which shall be determined by the Executive Committee.
Section 2. Order of Business

The regular order of business for the meetings of the NATIONAL ASSOCIATION OF BOARDS OF PHARMACY shall include the following, not necessarily in the order shown:

- Roll Call
- President's Address
- Report of the Executive Director/Secretary
- Report of the Executive Committee
- Report of the Treasurer
- Report of the Nominating Committee
- Reports of Standing Committees
- Reports of Special Committees
- New Business
- Election and Installation of Officers

Section 3.2. Conduct of Meetings

The sessions of the Annual Meeting shall be conducted in accordance with the latest revision of Robert's Rules of Order, except where such rules are contrary to any provisions of the Constitution and Bylaws of the Association, which provisions, in that event, shall prevail.

RECOMMENDATION #14:
The 2002-2003 CCB recommends “Not Pass” on amendments to the NABP Constitution proposed by the Virginia Board of Pharmacy.

Background:
The Committee on Constitution and Bylaws (CCB) reviewed the proposed amendments to the Constitution and Bylaws submitted by the Virginia Board, noting that the Board’s proposal was very similar to that submitted by the Executive Committee, with three exceptions: 1) the concept that an Executive Committee member is a “representative” of the district as opposed to simply originating from a district; 2) voting for Executive Committee representatives should take place at the district level as opposed to at the national level; and 3) Executive Committee member term length.

The CCB discussed at length the concept of district representation and the advantages of and challenges associated with voting for representatives at the district level. Discussion focused on the benefits and drawbacks associated with the entire membership voting for a district “representative,” as well as those associated with a district-only vote. A candidate may not be as
familiar to an entire membership as to a local district, begging the question of the effectiveness of a membership-wide vote. On the other hand, the districts have so few voting members that a candidate can win with as few as three votes.

As for the term length issue, the CCB agreed with the Virginia Board and submitted its own amendment to reduce the Executive Committee member term to two years.

**Virginia Constitutional Amendment**

**Article IV —**

**Officers, Committees, and Their Duties**

**Section 1.**

(a) The officers of the Association shall be a President, a President-Elect, and a Treasurer, each of whom shall hold office until their successors are elected and have qualified. The President-Elect and Treasurer shall be elected at each Annual Meeting of the Association. The Executive Director shall serve as Secretary and as an ex-officio member of the Executive Committee.

(b) The term of the office of the President, President-Elect, and Treasurer shall be from one Annual Meeting to the next, or until a successor is elected and qualified for office. Officers may, from time to time, be re-elected to an office, but an individual may hold only one elective office at a time. The Treasurer, and such members of the Association staff as the Executive Committee shall determine, shall furnish a bond to be approved and the amount to be fixed by the Executive Committee.

(c) (i) The President-Elect shall succeed to the office of President at the next Annual Meeting following such person’s election as President-Elect by the members.

(ii) In the event the President-Elect shall fill the vacancy of a President as provided in paragraph (e) of this Section, such person shall complete the term of the vacancy and shall serve the next succeeding term as President of the Association.

(iii) If, for any reason, an individual is appointed by the Executive Committee to fill a vacancy in the office of President-Elect, the individual so appointed shall succeed to the office of President should a subsequent vacancy occur in that office. Upon the expiration of the term of such individual as President-Elect or as President, should such person succeed to that office by reason of a vacancy, such person shall not become President in the next succeeding term as provided in paragraph (c)(i) of this Section. In this instance, the President shall be elected by the members at the Annual Meeting. Any individual appointed by the Executive Committee as President-Elect shall be eligible for election as President.

(d) All officers elected hereunder or appointed by the Executive Committee to fill vacancies shall, at the time of election or appointment, be currently affiliated as a board member or as an administrative officer of an active member of this Association. If an officer shall not continue as a board member or as an administrative officer of an active member of this Association during such term of office, said officer may continue to serve in the office until the next Annual Meeting, at which time a successor will be duly elected as provided herein. The President-Elect or President may complete his term as President-Elect and/or President and succeed to
serve his term as President and/or Chairman, irrespective of whether his affiliation with his board continues. However, if an active member state becomes an associate member state, a vacancy shall immediately occur in any office held by a board member or administrative officer from such state, including the offices of President-Elect, President, and Chairman.

(e) The duties of President, President-Elect, and Treasurer shall be those which usually pertain to these offices. In case of the death or resignation, or inability of the President to serve, the duties of this office shall be assumed and fulfilled by the President-Elect.

(f) Except as otherwise provided in this Constitution, any vacancies of officerships which shall occur, from time to time, shall be filled by appointment by the Executive Committee. Any person filling such a vacancy through appointment by the Executive Committee shall serve as an acting officer until a successor is duly elected, as provided herein, at the next Annual Meeting.

(g) There shall be an Executive Director/Secretary employed by the Association who shall be hired by the Executive Committee and who shall work under such terms, conditions, and standards as the Executive Committee shall, from time to time, establish. The Executive Director/Secretary shall act as the Administrative Officer for the Association, shall serve as Secretary of the Association, and as an ex-officio member of the Executive Committee. The performance of the Executive Director/Secretary shall be reviewed annually by the Executive Committee.

Section 2.

(a) The business, property, and affairs of this Association shall be managed and conducted by an Executive Committee consisting of the following: (i) the immediate Past President of the Association, who shall serve for a term of one (1) year as Chairman and shall be a non-voting member (except to break a tie vote); (ii) the officers of the Association; and (iii) six (6) to eight (8) persons representatives, one elected by each of the eight Districts, each to serve one (1) to two (2) year terms. In order to provide for staggered elections, whereby in each year two (2) candidates will be elected for three (3) year terms, in the first year that this provision becomes effective, there shall be two (2) candidates elected for three (3) year terms, two (2) candidates elected for two (2) year terms, and two (2) candidates elected for a one (1) year term. The Executive Committee members then serving shall continue to serve the balance of their respective terms. At each Annual Meeting thereafter, individuals shall be elected for a period of three (3) years to succeed the elected member whose term expired.

(b) In the year in which Section 2(a) becomes effective, At each Annual Meeting, the President then serving shall become the immediate Past President and Chairman, the President-Elect then serving shall become President. Any other officer whose term has not expired (with the exception of the President-Elect) resigns and the offices of President-Elect and Treasurer shall be elected.

(c) Each District shall be represented on the Executive Committee. In addition, there shall be no less than two (2) board members (other than administrative officers of boards) serving on the Executive Committee at all times. These requirements shall be taken into consideration by the Nominating Committee in slating candidates for the officer and other Executive Committee positions and by the Executive Committee in filling any vacancies. Election of the District representatives to the Executive Committee shall take place at the annual District meeting in the calendar year prior to the year in which a vacancy occurs. Each member
board of the District shall have one vote, and a simple majority of the member boards present shall constitute a quorum for the purpose of conducting this election.

(i) All elections shall be conducted in accordance with written policies and procedures of the District and shall be monitored by NABP staff. The procedures shall include provisions for ensuring the eligibility of candidates as set forth in Section 3, paragraph (a) prior to the elections. The Districts may establish procedures for member states that cannot send a representative to the meeting to participate in the elections by other means of communication provided the integrity of the voting process can be ensured. All written policies and procedures for conducting elections shall be approved by the NABP Executive Committee prior to the first elections being held.

(ii) In the year in which these changes take effect, all Districts shall elect a representative at the annual District meeting to be installed at the next Annual Meeting. At the next Annual Meeting in the year following the year in which these changes take effect, the terms of all current members of the Executive Committee shall expire except the President who will become Chairman and the President Elect who will become President. Elections shall occur for the offices of Treasurer and President Elect, and the persons previously elected by the Districts shall be installed. In order to provide for staggered elections, for the first year that elections are conducted by the Districts, the representatives elected by Districts I, II, III, and IV shall serve a one (1) year term and the representatives elected by Districts V, VI, VII, and VIII shall serve a two (2) year term. Thereafter, elections shall be for a two (2) year term.

(iii) The terms of members elected by the Districts prior to the Annual Meeting shall begin following formal installation proceedings at the Annual Meeting. In the event that an elected representative to the Executive Committee resigns or becomes ineligible before installation at the Annual Meeting, the District shall caucus at the Annual Meeting prior to the first business session to elect another representative in accordance with its written procedures approved by the NABP Executive Committee. Eligibility as set forth in Section 3, paragraph (a) shall be determined by NABP staff prior to the election.

(iv) In the event that a member of the Executive Committee resigns or otherwise becomes unable or ineligible to serve, the Executive Committee shall appoint a replacement from the same District to serve until the District can meet, either at the annual District meeting or by caucus at the Annual Meeting, to elect a replacement to serve the remainder of the unexpired term. Eligibility as set forth in Section 3, paragraph (a) shall be determined by NABP staff prior to the election.

(v) If a District fails to elect a representative when required to do so, a representative from that District shall be elected by the entire membership at the Annual Meeting. Nominations for the vacant position shall be taken from the floor at the first business meeting and eligibility of the candidates as set forth in Section 3, paragraph (a) shall be determined by NABP staff prior to the election.

(d) (i) Any individual elected to serve on the Executive Committee under Section 2(a)(iii) of this Article IV or appointed by any other provision of this Constitution must be affiliated as a board member or administrative officer of an active member state of this Association at the time of election or appointment. Once elected or appointed, the individual will be allowed to complete his term of office.
even if he is no longer a board member or administrative officer of the board subject, however, to 2(d)(ii) of this Article.

(ii) If an active member state becomes an associate member state, a vacancy shall immediately occur in any Executive Committee position held by a board member or administrative officer from such state.

(iii) No individual elected to the Executive Committee pursuant to Section 2(a) of this Article shall serve more than two (2) consecutive three (3) two (2) year terms, except that persons appointed or elected to fill an unexpired term created by a vacancy may still serve two complete terms in addition to completing the unexpired term.

(e) The Executive Committee shall have full power to act for the Association and shall have general charge of its affairs in the intervals between meetings of the Association, provided that the acts of such Committee do not contravene the instructions of the Association. The Committee shall meet annually at the place of, and immediately before and after, the Annual Meeting of the Association and at such other times and places as may be determined by the Committee.

(f) A majority of the members of the Executive Committee, exclusive of the Chairman and Executive Director/Secretary, shall constitute a quorum necessary to transact business, and unless otherwise provided in the Constitution and Bylaws of the Association, a majority of said quorum shall prevail in all matters before the Committee. In the interim between Executive Committee meetings, action may be taken by mail ballot without the necessity of seconds for motions, provided such actions are unanimously approved by the Executive Committee.

(g) The Executive Committee shall submit a report of its activities at each Annual Meeting of the Association. The report shall be sufficiently comprehensive to include an annual budget statement.

(h) Each member of the Executive Committee shall be reimbursed for expenses incurred in order to attend meetings of the Executive Committee.

(i) If, for any reason, at any time, any elected member of the Executive Committee shall refuse or be unable to act as a member of such Committee, or whose state becomes an associate member, the remaining members shall elect another individual to act on said Committee until the next meeting of the Association, at which time said vacancy shall be filled for the balance of the term by election by the members of the Association. Any vacancy resulting by reason of the refusal or inability of an immediate Past President to serve on the Committee shall be filled by election of a new member by the Committee who shall have been a former President of the Association and who shall serve until the next Annual Meeting when replaced by the immediate Past President in accordance with provisions of the Constitution.

(j) The term “Executive Committee” or “Executive Committee Member” shall be deemed to include officers unless the context provides to the contrary.

Section 3.

(a) Any individual seeking election to the Executive Committee shall meet the following criteria in order to be deemed eligible:
(i) the individual shall be an affiliated member of a state board of pharmacy of an active member state;

(ii) the individual shall not, other than their board of pharmacy activities, currently serve as an officer, official, or staff member for any national or state pharmacy organization; and

(iii) the individual shall not have a conflict of interest with the purpose, mission statement, and operation of NABP.

(b) Open Officer Positions.

(i) At least 60 days prior to the Annual Meeting, individuals interested in seeking to run for an officer position on the Executive Committee will notify the Executive Director/Secretary in writing of such intent. Only those individuals who have been determined by NABP to meet the eligibility qualifications for office as set forth in paragraph (a) of this section shall be eligible to run. All eligible persons shall be placed on the ballot.

(ii) Additional nominations for each open Executive Committee officer position may be made from the floor during any business session. Only those individuals who have notified the Executive Director/Secretary in writing at least 30 days prior to the Annual Meeting of their intention to seek office shall be eligible to be nominated from the floor. Only those candidates who have been determined by NABP to meet the eligibility qualifications for office as set forth in paragraph (a) of this section shall be eligible to run. All eligible persons nominated from the floor shall be placed on the ballot.

(iii) In the event of resignation, death, ineligibility, or other reason for inability to serve on the part of an individual who has declared intention to run, the 30-day prior notice requirement shall be waived for floor nominations of a new candidate. In the event no person notifies NABP of their interest in seeking to run for an open Executive Committee officer position and no person is nominated from the floor for such open position, the Executive Committee shall select a nominee or nominees for each such position.

Any officer or member of the Executive Committee may be removed as such officer or member for any cause deemed sufficient by an affirmative vote of two thirds (2/3) of the total members of the Executive Committee entitled to vote. Any officer or member of the Executive Committee being considered for possible removal shall be notified in writing by the Executive Director/Secretary of the reason or reasons in summary form for the consideration of said removal at least fifteen (15) days prior to the meeting during which the removal is to be considered.

Section 4.

(a) A Nominating Committee shall propose the names for officers (except the Secretary) and members of the Executive Committee for election at the Annual Meeting. This Committee shall be composed of eight (8) individuals, one from each District to be elected at the District meeting as provided in Article III, Section 4(c). The District shall notify the Executive Director/Secretary of the representative to the Nominating Committee and the alternate, if one is elected, within thirty (30) days after election.
(b) The Nominating Committee, which shall meet during the Annual Meeting of the Association, shall consider individuals from each District in an effort to equalize District representation on the Executive Committee; provided, however, nothing herein shall preclude members from the same District from serving simultaneously on the Executive Committee.

(c) In the event a member of the Nominating Committee is not elected in accordance with Section 4(a), or is unable to attend the Committee meetings, an alternate member elected at the District meeting may attend and participate in the Committee meetings. If no alternate has been so designated or fails to attend, the President of the Association shall designate, at the Annual Meeting, a member from that District to serve on the Nominating Committee.

Any officer or member of the Executive Committee may be removed as such officer or member for any cause deemed sufficient by an affirmative vote of two thirds (2/3) of the total members of the Executive Committee entitled to vote. Any officer or member of the Executive Committee being considered for possible removal shall be notified in writing by the Executive Director/Secretary of the reason or reasons in summary form for the consideration of said removal at least fifteen (15) days prior to the meeting during which the removal is to be considered. Each member board of a District represented by a member being considered for removal shall be sent a copy of the written notification concurrently with the notification to the member.

RECOMMENDATION #15:
The 2002-2003 CCB recommends “Not Pass” on amendments to the NABP Constitution proposed by the Nevada Board of Pharmacy.

Background:
The CCB reviewed the proposed amendments to the Constitution and Bylaws submitted by the Nevada Board of Pharmacy, which were read at NABP’s 98th Annual Meeting in Phoenix last year and will be voted on this year in Philadelphia. Although the CCB did not necessarily disagree with the recommendations proposed by the Nevada Board, members felt many of the issues addressed by the Nevada Board, with the exception of the addition of the pharmacist and public member at-large Executive Committee member positions, have been addressed in the EC and CCB proposed amendments, and felt the need to support those amendments rather than Nevada’s.

Nevada Constitutional Amendment

Article IV —
Officers, Committees, and Their Duties

Section 1.
(a) The officers of the Association shall be a President, a President-Elect, and a Treasurer, each of whom shall hold office until their successors are elected and have qualified. The President-Elect and Treasurer
shall be elected at an Annual Meeting of the Association. The Executive Director shall serve as Secretary and as an ex-officio member of the Executive Committee.

(b) The term of the office of the President, President-Elect, and Treasurer shall be from one Annual Meeting to the next, or until a successor is elected and qualified for office. Officers may, from time to time, be re-elected to an office, but an individual may hold only one elective office at a time. The Treasurer, and such members of the Association staff as the Executive Committee shall determine, shall furnish a bond to be approved and the amount to be fixed by the Executive Committee.

(c) (i) The President-Elect shall succeed to the office of President at the next Annual Meeting following such person’s election as President-Elect by the members.

(ii) In the event the President-Elect shall fill the vacancy of a President as provided in paragraph (e) of this Section, such person shall complete the term of the vacancy and shall serve the next succeeding term as President of the Association.

(iii) If, for any reason, an individual is appointed by the Executive Committee to fill a vacancy in the office of President-Elect, the individual so appointed shall succeed to the office of President should a subsequent vacancy occur in that office. Upon the expiration of the term of such individual as President-Elect or as President, should such person succeed to that office by reason of a vacancy, such person shall not become President in the next succeeding term as provided in paragraph (c)(i) of this Section. In this instance, the President shall be elected by the members at the Annual Meeting. Any individual appointed by the Executive Committee as President-Elect shall be eligible for election as President.

(d) All officers elected hereunder or appointed by the Executive Committee to fill vacancies shall, at the time of election or appointment, be currently affiliated as a board member or as an administrative officer of an active member of this Association. If an officer shall not continue as a board member or as an administrative officer of an active member of this Association during such term of office, said officer may continue to serve in the office until the next Annual Meeting, at which time a successor will be duly elected as provided herein. The President-Elect or President may complete his term as President-Elect and/or President and succeed to serve his term as President and/or Chairman, irrespective of whether his affiliation with his board continues. However, if an active member state becomes an associate member state, a vacancy shall immediately occur in any office held by a board member or administrative officer from such state, including the offices of President-Elect, President, and Chairman.

(e) The duties of President, President-Elect, and Treasurer shall be those which usually pertain to these offices. In case of the death or resignation, or inability of the President to serve, the duties of this office shall be assumed and fulfilled by the President-Elect.

(f) Except as otherwise provided in this Constitution, any vacancies of officerships which shall occur, from time to time, shall be filled by appointment by the Executive Committee. Any person filling such a vacancy through appointment by the Executive Committee shall serve as an acting officer until a successor is duly elected, as provided herein, at the next Annual Meeting.
(g) There shall be an Executive Director/Secretary employed by the Association who shall be hired by the Executive Committee and who shall work under such terms, conditions, and standards as the Executive Committee shall, from time to time, establish. The Executive Director/Secretary shall act as the Administrative Officer for the Association, shall serve as Secretary of the Association, and as an ex-officio member of the Executive Committee. The performance of the Executive Director/Secretary shall be reviewed annually by the Executive Committee.

Section 2.

(a) The business, property, and affairs of this Association shall be managed and conducted by an Executive Committee consisting of the following: (i) the immediate Past President of the Association, who shall serve for a term of one (1) year as Chairman and shall be a non-voting member (except to break a tie vote); (ii) the officers of the Association; and (iii) six (6), nine (9) persons, one from each District and one at-large position, and each of whom shall be a licensed pharmacist to serve three (3) year terms; and (iv) one person, who shall be a classified on his or her board as a public member, to serve a three year term, which will be determined as an at-large position. In order to provide for staggered elections, whereby in each year two (2) three pharmacist candidates will be elected for three (3) year terms, in the first year that this provision becomes effective, there shall be two (2) four (4) candidates elected for three (3) year terms, two (2) three (3) candidates elected for two (2) year terms, and two (2) three (3) candidates elected for a one (1) year term. The Executive Committee members then serving shall continue to serve the balance of their respective terms. At each Annual Meeting thereafter, individuals shall be elected for a period of three (3) years to succeed the elected member whose term expired.

(b) The Executive Committee members serving at the time Section 2(a) became effective, shall continue to serve the balance of their respective terms. The terms provided in Section 2(a) may be adjusted by the Executive Committee to provide for three (3) year staggered terms at the earliest possible time.

(c) In the year in which Section 2(a) becomes effective, the President then serving shall become Chairman, and the President-Elect then serving shall become President. Any other officer whose term has not expired (with the exception of the President and the President-Elect) resigns and the offices of President-Elect and Treasurer shall be elected.

(d) Each district shall be represented on the Executive Committee. In addition, there shall be no less than two (2) board members (other than administrative officers of boards) serving on the Executive Committee at all times. These requirements shall be taken into consideration by the Nominating Committee in slating candidates for the officer and other Executive Committee positions and by the Executive Committee in filling any vacancies.

(de) (i) Any individual elected to serve on the Executive Committee under Section 2(a)(iii) and (iv) of this Article IV or appointed by any other provision of this Constitution must be affiliated as a board member or administrative officer of an active member state of this Association at the time of election or appointment. Once elected or appointed, the individual will be allowed to complete his term of office even if he is no longer a board member or administrative officer of the board subject, however, to 2(d)(ii) of this Article.
(ii) If an active member state becomes an associate member state, a vacancy shall immediately occur in any Executive Committee position held by a board member or administrative officer from such state.

(iii) No individual elected to the Executive Committee pursuant to Section 2(a) of this Article shall serve more than two (2) consecutive three (3) year terms.

(ef) The Executive Committee shall have full power to act for the Association and shall have general charge of its affairs in the intervals between meetings of the Association, provided that the acts of such Committee do not contravene the instructions of the Association. The Committee shall meet annually at the place of, and immediately before and after, the Annual Meeting of the Association and at such other times and places as may be determined by the Committee.

(fg) A majority of the members of the Executive Committee, exclusive of the Chairman and Executive Director/Secretary, shall constitute a quorum necessary to transact business, and unless otherwise provided in the Constitution and Bylaws of the Association, a majority of said quorum shall prevail in all matters before the Committee. In the interim between Executive Committee meetings, action may be taken by mail ballot without the necessity of seconds for motions, provided such actions are unanimously approved by the Executive Committee.

(gh) The Executive Committee shall submit a report of its activities at each Annual Meeting of the Association. The report shall be sufficiently comprehensive to include an annual budget statement.

(hi) Each member of the Executive Committee shall be reimbursed for expenses incurred in order to attend meetings of the Executive Committee.

(ij) If, for any reason, at any time, any elected member of the Executive Committee shall refuse or be unable to act as a member of such Committee, or whose state becomes an associate member, the remaining members shall elect another individual to act on said Committee until the next meeting of the Association, at which time said vacancy shall be filled for the balance of the term by election by the members of the Association. Any vacancy resulting by reason of the refusal or inability of an immediate Past President to serve on the Committee shall be filled by election of a new member by the Committee who shall have been a former President of the Association and who shall serve until the next Annual Meeting when replaced by the immediate Past President in accordance with provisions of the Constitution.

(jk) The term “Executive Committee” or “Executive Committee Member” shall be deemed to include officers unless the context provides to the contrary.

RECOMMENDATION #16:
The 2002-2003 CCB recommends “Pass” on the amendment to the NABP Bylaws removing Tasmania from membership in NABP and District VII by their request.