



Report of the Committee on Constitution and Bylaws

Members Present:

Stuart T. “Stu” Williams (MN), *chair*; L. Suzan Kedron (TX); John M. Marraffa, Jr (NY); Bradley A. Miller (TX); Katy Wright (TN).

Others Present:

Philip P. Burgess, *Executive Committee liaison*; Carmen A. Catizone, Melissa Madigan, Eileen Lewalski, Lisa Janso, and Maureen Schanck, *NABP staff*.

The 2017-2018 Committee on Constitution and Bylaws met via teleconference on March 28, 2018.

Review of the Committee Charge

Chairperson Williams reviewed the committee charge as stated in the NABP Constitution and Bylaws. No additions or changes were proposed. Therefore, the charge reads as follows:

Article VI – Amendments

Section 1.

- (a) The Committee on Constitution and Bylaws shall consist of five (5) members appointed annually by the President. The President shall designate a Chairperson 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.

Section 2.

- (a) Proposed amendments to this Constitution shall be in writing and delivered to the Executive Director/Secretary of the Association not more than ninety (90), nor less than forty-five (45), days prior to the Annual Meeting. Each such proposed amendment shall be delivered by the Executive Director/Secretary to the Committee on Constitution and

Bylaws no less than five (5) days before the Committee on Constitution and Bylaws is convened.

- (b) Amendments to the Constitution proposed by the Committee on Constitution and Bylaws shall be in writing and delivered to the Executive Director/Secretary not less than thirty-five (35) days prior to the Annual Meeting.

Section 3.

- (a) The Executive Director/Secretary shall forward all proposed amendments to each board of pharmacy not less than thirty (30) days before the Annual Meeting of the Association.
- (b) Proposed amendments so received shall be presented at any session of the Annual Meeting. Such amendments shall be presented for consideration at the next succeeding Annual Meeting and for adoption shall require an affirmative vote of two-thirds (2/3) of the total number of active member boards of the Association.

Bylaws Article VI

Section 1. Proposed Amendments

- (a) Proposed amendments to the Bylaws shall be in writing and delivered to the Executive Director/Secretary of the Association not more than ninety (90), nor less than forty-five (45), days prior to the Annual Meeting. Each such proposed amendment shall be delivered by the Executive Director/Secretary to the Committee on Constitution and Bylaws no less than five (5) days before the Committee on Constitution and Bylaws is convened.
- (b) It shall be the duty of the Committee on Constitution and Bylaws to review any proposed amendments to the Bylaws, to suggest changes, if any, to such amendments, and to make a committee recommendation to each such proposed amendment.
- (c) Amendments to the Bylaws proposed by the Committee on Constitution and Bylaws shall be in writing and delivered to the Executive Director/Secretary not less than thirty-five (35) days prior to the Annual Meeting.
- (d) The Executive Director/Secretary shall forward all proposed amendments to members of the Executive Committee and all active and associate member boards not less than thirty (30) days prior to the Annual Meeting.

Section 2. Amendment Voting

Any such proposed amendment received in accordance with Section 1 of this Article shall be presented at any session of the Annual Meeting, exclusive of the last session. At any subsequent session of that Annual Meeting, said proposed amendment may be adopted by an affirmative vote of a majority of the total number of active member boards of the Association. Any proposed amendment which shall not receive the vote required herein for adoption must be re-submitted in accordance with Section 1 of this Article before receiving further consideration at a subsequent Annual Meeting.

Review of Previous Reports and Background Information

Chairperson Williams reviewed with committee members the 2016-2017 Committee on Constitution and Bylaws report and the recommendations within. He acknowledged Kedron's role as chair of the 2016-2017 Committee on Constitution and Bylaws and thanked her for the work of the committee. He furthered that the Executive Committee withdrew the proposed International Membership Amendment Set after the Committee on Constitution and Bylaws convened in 2017. The Executive Committee received additional information meriting further review and determined that withdrawing the amendment set would be beneficial and allow the Executive Committee to fully engage the membership and its international counterparts to study this key issue.

NABP President Jeanne Waggener and the Executive Committee established the Workgroup on International Membership (Workgroup) to review all the materials, recommendations, and data concerning NABP's consideration of the concept of international membership, also in accordance with the request from the 2016-2017 Committee on Constitution and Bylaws. Williams reported that he and Burgess served on the Workgroup along with NABP Past Presidents Joseph L. Adams and Malcolm J. Broussard, and New Brunswick College of Pharmacists Registrar Sam Lanctin. Williams furthered that after robust discussion and deliberation, the Workgroup recommended that NABP maintain the current Active and Associate membership categories, that NABP should maintain the current composition of the Executive Committee, and that the Executive Committee should establish an ad hoc International Advisory Committee to explore global issues pertaining to the regulation of pharmacy. Burgess added that both the Workgroup and the Executive Committee agreed that it would be best to proceed slowly with this issue in order to gauge the interest of international members and determine appropriate action for the future.

As additional background for the committee, staff provided an overview of the Constitution and Bylaws, emphasizing its role in Association governance regarding matters such as membership, the Annual Meeting, and procedures for Constitution and Bylaws amendments and their submission.

Proposed Technical Amendment Set

Chairperson Williams reviewed with committee members the proposed technical amendments to the Constitution submitted by the Executive Committee in the Proposed Technical Amendment Set, which will be presented at the NABP 114th Annual Meeting to be held on May 5-8, 2018, in Denver, CO, and will be discussed and voted on at the NABP 115th Annual Meeting to be held on May 16-18, 2019, in Minneapolis, MN.

Chairperson Williams noted that the Executive Committee proposed the technical amendment set to the NABP Constitution to provide clarification to the existing language and eliminate outdated terminology. By stating "interstate and interjurisdictional transfer in pharmacist licensure" in Article II and "transferring licensure both into and out of the state or jurisdiction"

in Article III, Section 1(c), it is not only inclusive of jurisdictions within the United States, but also any international jurisdictions that comply with the NABP Constitution and Bylaws.

In Article III, Section 1(a), the Executive Committee proposed to change “provinces of the Dominion of Canada” to “Canadian provinces and territories” to be consistent with the terminology used in Canada.

In Article III, Section 1(e), the definition of an affiliated member was revised to clarify that the individual will continue to be an affiliated member of NABP so long as the individual has not been convicted of “a felony” or violation of pharmacy laws. Chairperson Williams indicated that the proposed amendment removes “an offense involving moral turpitude” and replaces it with “a felony.” He presented extensive information on the difficulty of defining “moral turpitude” and noted that a “felony” is more clearly defined. He furthered that the reference to violation of liquor and drug laws was removed as such violations may not impact the pharmacist’s license or be enforced by the board. Staff also provided clarification as to what would qualify an affiliated member to be removed from NABP and how NABP may be notified of such instances. The committee unanimously supported the passage of the proposed amendment set.

RECOMMENDATION 1:

The 2017-2018 Committee on Constitution and Bylaws recommends “Pass” on the Proposed Technical Amendment Set.

Article II — Purpose

The purpose of the Association is to provide for interstate and interjurisdictional 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, Definitions, 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 Canadian provinces and territories ~~provinces of the Dominion of Canada~~, and such other jurisdictions that apply to join the Association and are approved, from time to time, by the Executive Committee. The members shall consist of active and associate members.
- (b) Applications for membership shall be submitted to the Executive Director/Secretary. New member boards may be admitted to the Association at any meeting of the Executive Committee by an affirmative vote of two-thirds (2/3) of the total members of the Executive Committee entitled to vote.

- (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 or jurisdiction as provided by the Bylaws of this Association.
- (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 NABP Constitution and Bylaws 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 a felony ~~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.
- (f) The term “administrative officer” shall be defined as an individual hired, appointed, or elected to serve as the chief executive officer or executive director of a board of pharmacy and who shall be responsible for the day-to-day performance and supervision of the administrative duties and functions for which the board is responsible. Each board shall have only one administrative officer for the purposes of eligibility to serve on the NABP Executive Committee.

Proposed Removal of New Zealand from District 8

Chairperson Williams reviewed with committee members the proposed amendment to the Bylaws submitted by the Executive Committee to remove New Zealand from District 8, which is to be presented, discussed, and voted on at the NABP 114th Annual Meeting to be held on May 5-8, 2018, in Denver, CO. He furthered that the basis of this proposed amendment was the request of the Pharmacy Council of New Zealand to discontinue their NABP membership. Staff added that NABP reached out to the Pharmacy Council of New Zealand to discuss this matter further but received no response. The committee unanimously supported the passage of the proposed amendment.

RECOMMENDATION 2:

The 2017-2018 Committee on Constitution and Bylaws recommends “Pass” on the Proposed Removal of New Zealand from District 8.

Article IV

The active and associate member boards of this Association shall be grouped into the following eight (8) Districts (grouping may include prospective members):

District 1:

Connecticut; Maine; Massachusetts; New Brunswick*; Newfoundland and Labrador*; New Hampshire; Nova Scotia*; Quebec*; Rhode Island; Vermont.

District 2:

Delaware; District of Columbia; Maryland; New Jersey; New York; Ontario*; Pennsylvania; Prince Edward Island*; Virginia; West Virginia.

District 3:

Alabama; Florida; Georgia; Kentucky; Mississippi; North Carolina; Puerto Rico; South Carolina; Tennessee; Virgin Islands.

District 4:

Australia*; Bahamas*; Illinois; Indiana; Michigan; Ohio; Wisconsin.

District 5:

Iowa; Manitoba*; Minnesota; Nebraska; North Dakota; Saskatchewan*; South Dakota.

District 6:

Arkansas; Kansas; Louisiana; Missouri; Oklahoma; Texas.

District 7:

Alaska; Alberta*; British Columbia*; Idaho; Montana; Oregon; Washington; Wyoming.

District 8:

Arizona; California; Colorado; Guam; Hawaii; Nevada; New Mexico; ~~New Zealand*~~; Utah.

*Associate Member