



Report of the Task Force on Mutual-Recognition Licensure

Members Present:

Mark Hardy (ND), *chair*; James Bracewell (GA); Carl “Trip” Hoffman III (UT); Tony King (MT); Mark Klang (NY); Deborah Mack (AR); Pamela Marshall (MO); Tejal Patel (DE); Laura Rang (CO); Joanne Trifone (MA).

Others Present:

Caroline D. Juran, *Executive Committee liaison*; Alex Adams (ID), *guest*; Carmen Catizone; Josh Bolin; Melissa Madigan; Eileen Lewalski; Lawana Lyons; Maureen Schanck; Angelica Alderton, *NABP staff*.

Introduction:

The Task Force met on September 11-12, 2018, at NABP Headquarters in Mount Prospect, IL. This task force was established in response to Resolution 114-5-18, Cooperative Interstate Registration System, which was approved by the NABP membership at the Association’s 114th Annual Meeting in May 2018.

Review of the Task Force Charge:

Task force members reviewed their charge and accepted it as follows:

1. Explore enhancements to NABP’s Electronic Licensure Transfer Program® (e-LTP™) that:
 - a. provide for pharmacists’ increased participation in interstate practice models; and
 - b. maintain boards of pharmacy jurisdiction over practices and individuals engaged in the practice of pharmacy in their jurisdictions.
2. Recommend, if necessary, amending the *Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy* addressing this issue.

Recommendation 1: NABP Should Continue to Operate e-LTP as it Is Currently Structured

The task force recommends that NABP continue to operate e-LTP as it is currently structured, recognizing the effectiveness and efficiency of the pharmacist license transfer process as well as the value of the program in protecting the public health.

Background:

The task force members acknowledged that NABP was founded in 1904 for the purpose of creating a pharmacist licensure transfer process. The discussion included a review of the current mechanism of reciprocity by means of e-LTP, which enables licensed pharmacists to easily transfer their existing pharmacist license to one or more states or jurisdictions. NABP facilitates the licensure transfer process on behalf of its member boards, which ultimately make the licensure decision. As part of the process, the applicant undergoes a background check via the NABP Clearinghouse, a national repository of pharmacists' education, competency assessment, licensure, and disciplinary information.

The task force members were presented with an overview of the Idaho State Board of Pharmacy's new initiative for mutual-recognition licensure by Alex J. Adams, PharmD, MPH, executive director of the Idaho State Board of Pharmacy. Adams explained that Idaho is considering legislation whereby the state can enter into a mutual-recognition agreement with other states to recognize nonresident pharmacists licensed by other states with similar requirements that are members of such mutual-recognition licensure agreement. Adams stressed that mutual-recognition licensure will afford pharmacists more mobility and economic opportunities. He predicts this to be especially beneficial for the nontraditional pharmacist roles that primarily involve cognitive services, such as telepharmacy and medication therapy management services. The Idaho model will not require nonresident pharmacists to obtain Idaho licensure if they are involved solely in non-dispensing roles, to allow emerging technology and virtual practice to flourish.

After much spirited discussion by the task force, the members concluded that the mobility of pharmacists' licensure, as it relates to accessibility and provision of necessary pharmacist care services, is not an issue of concern as e-LTP addresses this in an effective and efficient manner. Task force members also noted that a mutual-recognition licensure method would be difficult to operationalize in states that have densely populated cities or numerous regulations in place. Furthermore, members stressed that a mutual-recognition licensure method may create a loophole for pharmacists who have been disciplined and who may be a risk to public health if NABP's e-LTP process is bypassed.

Recommendation 2: NABP Should Examine Enhancements to e-LTP that Will Address Changes in Practice and Retain use of the MPJE

The task force recommends that boards of pharmacy work with NABP to examine enhancements to e-LTP that will address changes in practice, thus ensuring competence upon initial licensure as well as when transferring a license. With this in mind, the task force recommends that the Multistate Pharmacy Jurisprudence Examination® (MPJE®) should be retained.

Background:

The task force members queried as to whether there are any problems with the current system and who would benefit most from mutual-recognition licensure. The members concluded that it may not be in the best interest to simply support a trend or design a system that benefits pharmacists and corporations rather than public health. The task force also recognized the need for caution before fracturing a system that has been in place since 1904, to allow for free mobility rather than subjecting pharmacists to individual states' licensure agreements. The task force engaged in a robust discussion about the requirement for the state-specific MPJE as a component of multistate licensure and concluded that it would be very problematic to remove the MPJE requirement in that creating a separate path for the provision of services beyond physical dispensing assumes that pharmacists will not need to know state-specific laws and rules, such as controlled substance scheduling and record-keeping requirements.

The members recommended retaining the MPJE or individual state jurisprudence exams as a critical component of state licensure. Moving away from state-specific licensure requirements creates a basis to remove individual accountability for knowledge of nonresident state pharmacy laws and rules. Additionally, members also noted that if a gap for competence and accountability exists, licensees will be drawn to states with the least regulatory oversight, potentially lowering the bar to enter pharmacy practice.

Recommendation 3: NABP Should Work With States to Evaluate Potential Barriers in Their Licensing Processes and Identify Opportunities for NABP to Help Increase Efficiency at the State Level

The task force recommends that NABP work with states to evaluate potential barriers in their licensing processes and identify opportunities for NABP to help increase efficiency at the state level through additional services, standardization, and infrastructure.

Background:

The task force was informed that the NABP e-LTP process became completely paperless on April 2, 2018, for all stages of the licensure transfer process and that NABP can often process and report applicant information to the requested state within 24 hours of receipt of the application. Any delay in processing an applicant's nonresident license is often occurring during the state board review process.

In an effort to assist its member boards, NABP has been working with them to streamline the licensure transfer process. This has led NABP to work collaboratively with six member boards (Colorado, Maine, Michigan, Nebraska, Oregon, and Utah) to evaluate licensure transfer applicants for eligibility to take the MPJE for subsequent licensure transfer into those states. Keeping in mind that many boards currently face a shortage in financial and staffing resources, the task force concluded that NABP should work closely with other member boards to help further assist and streamline their licensure transfer processes.

The task force pondered over states that choose to adopt a mutual-recognition licensure system, since those states will operate independently of NABP's model, which has a more than century-long history with a core purpose of interstate licensure transfer and uniform standards. Paramount is the fact that states that choose to operate within a mutual-recognition licensure system, outside of NABP, may become ineligible to continue as active members of NABP as they may be contravening the NABP Constitution and Bylaws. Article II of NABP's Constitution states, "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." This process is also integral to active membership in the Association. As stated in Article III of NABP's Constitution, "Active member boards shall be those member boards . . . that require the use of the NABP Clearinghouse for all candidates for the purpose of transferring licensure both into and out of the state as provided by the Bylaws of this Association."

Task force members expressed the need for NABP to continue to work with member boards to help assist with potential licensing process barriers that may exist due to individual state requirements and limitations.

Recommendation 4: NABP Should Study the Feasibility of Supplementing e-LTP to Allow for the Provision of Non-Dispensing, Cognitive Patient Care Services Remotely Across State Lines

The task force recommends that NABP study the feasibility of supplementing e-LTP to allow for the provision of non-dispensing, cognitive patient care services remotely across state lines, with the intent that the same assurances and patient protections that currently exist with e-LTP remain in place. The task force further recommends that any supplement or approval of providing patient care or engaging in the practice of pharmacy across state lines should be managed through an NABP state-based and controlled system.

Background:

Members agreed that NABP is continuously improving the e-LTP system. Therefore, the task force recommends that NABP study the feasibility of building a national-level database for pharmacists engaging in cognitive services across state lines to enhance access to pharmacist care services. Such a system would allow member boards to choose to opt in, and NABP could ensure that participating pharmacist practitioners follow a uniform standard of practice to ensure competence and public safety across state lines. Task force members understand that, whereas the physician licensure compact is overseen by standards of care regulation, pharmacy regulation is more law- and rules-based. Therefore, NABP will need to study cognitive services more in-depth and consider the recommendations that arise out of upcoming task forces, committees, and other NABP meetings before modifying the current e-LTP process to accommodate the expansion of pharmacist services in various nonresident practice settings.