



2013 Report of the Committee on Constitution and Bylaws

Members Present:

Jeannine Dickerhofe (CO), *chair*; Troy Gahm (OH); Gene Minton (NC); Charles Wetherbee (TX); and Dennis Wiesner (TX).

Others Present:

Mark Johnston, *Executive Committee liaison*; Dale Atkinson, *NABP counsel*; Carmen A. Catizone, Melissa Madigan, Eileen Lewalski, and Barbara Pittan, *NABP staff*.

The 2012-2013 Committee on Constitution and Bylaws met via teleconference on April 10, 2013.

Review of the Committee Charge

Chairperson Dickerhofe reviewed the charge of the committee 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 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.

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

Report of the Committee on Constitution and Bylaws

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.

Review of Background Information and Previous Reports

Atkinson provided an overview of the Constitution and Bylaws, emphasizing its role in Association governance regarding matters such as membership, Annual Meeting, and procedures for Constitution and Bylaws amendments and their submission. Madigan then reviewed with committee members the 2011-2012 Committee on Constitution and Bylaws report.

Madigan reviewed with committee members the proposed amendments to the Constitution submitted by the NABP Executive Committee. These proposed amendments were presented at the NABP 108th Annual Meeting, May 2012, Philadelphia, PA, and will be discussed and voted on at the NABP 109th Annual Meeting in May 2013. Chairperson Dickerhofe then called for the vote.

RECOMMENDATION 1:

Committee members recommended “Pass” on the Proposed Constitutional Amendment No. 1.

Background: Proposed Constitutional Amendment No. 1

NABP staff reported that the purpose of the proposed amendment in Article III, Section 3 (a) was to clarify that the official delegate of an active member board is an individual currently serving as a member or as an administrative officer of such board, as defined in Article III Section 1 of the Constitution.

RECOMMENDATION 2:

Committee members recommended “Pass” on the Proposed Constitutional Amendment No. 2.

Background: Proposed Constitutional Amendment No. 2 (set)

NABP staff reported that the purpose of the proposed amendments in Article IV, Sections 1 and 2 were to clarify role of the Chairperson as an officer of the Association. In addition, the amendments specify how the office succession of president-elect to president to chairperson occurs, and clarify that said officer continues to serve whether or not he or she remains as a board member or as the administrative officer of a board. Additionally, such amendments clarify the role of the executive director/secretary as an ex officio member of the Executive Committee.

RECOMMENDATION 3:

Committee members recommended “Pass” on the Proposed Constitutional Amendment No. 3.

Background: Proposed Constitutional Amendment No. 3

NABP staff reported that the purpose of the proposed amendment in Article IV, Section 5 (c) was to clarify who may serve on NABP standing committees. Standing committees are the Advisory

Report of the Committee on Constitution and Bylaws

Committee on Examinations, the Committee on Resolutions, the Committee on Constitution and Bylaws, and the Committee on Law Enforcement/Legislation.

RECOMMENDATION 4:

Committee members recommended “Pass” on the Proposed Constitutional Amendment No. 4.

Background: Proposed Constitutional Amendment No. 4

NABP staff reported that the purpose of the proposed amendment in Article IV, Section 6 (d) was to give the Executive Committee the flexibility to set the timeframe in which resolutions may be submitted to NABP in order to be eligible for presentation at the Annual Meeting.

Proposed Amendments to Constitution and Bylaws – 2012-2013

Amendments indicated by strikethroughs and underlines

NABP Constitution and Bylaws

The Constitution and Bylaws of the National Association of Boards of Pharmacy (NABP) as appears below reflects amendments approved at NABP's Annual Meetings in Buffalo, NY, 1924; Philadelphia, PA, 1926; Rapid City, SD, 1929; Baltimore, MD, 1930; Miami, FL, 1931; Toronto, Ontario, 1932; Madison, WI, 1933; Portland, OR, 1935; Minneapolis, MN, 1938; Atlanta, GA, 1939; Detroit, MI, 1941; Cleveland, OH, 1944; San Francisco, CA, 1948; Atlantic City, NJ, 1950; Miami Beach, FL, 1955; Detroit, MI, 1956; Chicago, IL, 1960; Las Vegas, NV, 1962; Detroit, MI, 1965; Dallas, TX, 1966; Las Vegas, NV, 1967; Washington, DC, 1970; San Francisco, CA, 1971; Houston, TX, 1972; Scottsdale, AZ, 1973; Atlanta, GA, 1974; Lake Buena Vista, FL, 1976; New Orleans, LA, 1978; Chicago, IL, 1979; Boston, MA, 1980; Minneapolis, MN, 1982; Colorado Springs, CO, 1983; Nashville, TN, 1984; Kansas City, MO, 1985; Philadelphia, PA, 1986; Seattle, WA, 1987; San Antonio, TX, 1988; Charleston, SC, 1989; Phoenix, AZ, 1990; Indianapolis, IN, 1991; Salt Lake City, UT, 1992; Baltimore, MD, 1993; Portland, OR, 1994; Dallas, TX, 1995; Boston, MA, 1996; San Diego, CA, 1997; Orlando, FL, 1998; Nashville, TN, 2000; Phoenix, AZ, 2002; Philadelphia, PA, 2003; Chicago, IL, 2004; New Orleans, LA, 2005; Portland, OR, 2007; Baltimore, MD, 2008; Miami, FL, 2009; Anaheim, CA, 2010; San Antonio, TX, 2011; and Philadelphia, PA, 2012.

Constitution and Bylaws

Article I — Name

Section 1.

- (a) The name of this Association shall be the National Association of Boards of Pharmacy.
- (b) The principal office of the Association shall be located in the State of Illinois or such other state as the Executive Committee shall determine.

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, 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 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.

Report of the Committee on Constitution and Bylaws

- (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 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 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.
- (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.

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 require the transfer of pharmacist licensure as provided in the Constitution and Bylaws and otherwise is a member in good standing in this Association.

Section 3.

- (a) Each active member board of pharmacy in good standing which is represented at the Annual Meeting shall have one vote on each issue put to a vote of the active member boards at the Annual Meeting of this Association. The vote shall be cast by an individual currently serving as a member or as the administrative officer, as defined in Article III, Section 1, of an active member board of this Association ~~that affiliated member~~ who shall be recognized at the Annual Meeting as the official delegate of said active member board. No voting by proxy shall be permitted.
- (b) All affiliated members in attendance may participate in the discussions upon any subject considered by this Association.

Section 4.

- (a) The boards of pharmacy which are either active or associate members shall be grouped into eight (8) Districts consecutively numbered. The boards constituting each District shall be grouped as provided from time to time in the Bylaws.
- (b) Each District shall elect a District Chairman. In addition to the normal duties attributable to that office, the Chairman shall, if necessary, perform such duties as may be required by the President.
- (c) Each active member board of a District shall have one vote on all matters which come before that District, and all matters shall be decided by majority vote of the number of active member boards in each District, unless otherwise provided herein. All matters considered in any District meeting which shall pertain to and affect any board in that District or the Association shall be voted upon

Report of the Committee on Constitution and Bylaws

solely by the active member boards of that District, irrespective of any District Constitution, Bylaws, or practices to the contrary.

- (d) No act of any District shall be deemed an act of NABP unless formally approved by the active member boards of the Association at an Annual Meeting.

Article IV — Officers, Committees, and Their Duties

Section 1.

- (a) The officers of the Association shall be a Chairman, President, a President-Elect, and a Treasurer, each of whom shall hold office until ~~their successors are elected and have qualified~~ succeeded. 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 Chairman, President, President-Elect, and Treasurer shall be from one Annual Meeting to the next, or until a successor is ~~elected and qualified for office~~ as provided herein. 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 active member boards. The President shall succeed to the office of Chairman at the next Annual Meeting following such person's term as President.
- (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 active member boards 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 nomination and election or appointment, be currently serving as a member or as ~~the~~ an administrative officer, as defined in Article III, of an active member board of this Association. ~~If an officer~~ the Treasurer or Chairman shall not continue as a member or as an administrative officer of an active member board 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 or will serve by succession ~~as provided herein~~. The President-Elect or President may complete his or her term as President-Elect and/or President and succeed to serve his or her term as President and/or Chairman, irrespective of whether he or she is currently serving as a member or as ~~the~~ an administrative officer of an active member board of this Association. However, if an active member board becomes an associate member board, or is no longer a member of NABP, a vacancy shall immediately occur in any office held by a member or administrative officer from such state, including the offices of Treasurer, President-Elect, President, and Chairman.

Report of the Committee on Constitution and Bylaws

- (e) The duties of Chairman, President, President-Elect, and Treasurer shall be those determined and assigned by the Executive Committee.
- (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. 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.
- (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 Chief Executive 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-officer~~ (except to break a tie vote);
 - (ii) the remaining officers of the Association; ~~and~~
 - (iii) eight (8) members, each to serve three (3) year terms. In order to provide for staggered elections, ~~whereby in~~ each year either two (2) or three (3) candidates will be elected for three (3) year terms; ~~and~~
 - (iv) an Executive Director, who shall serve as Secretary and as an ex officio member of the Executive Committee.
- (b) The eight Executive Committee members shall originate from each of the eight Districts. There shall be no more than six (6) board administrative officers serving as members on the Executive Committee at all times.
- (c) (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 currently serving as a member or as an administrative officer of an active member board of this Association at the time of nomination and election or appointment. Once elected or appointed, the individual will be allowed to complete his or her term of office even if he or she is no longer currently serving as a member or an administrative officer of an active member board subject, however, to 2(c)(ii) of this Article.
 - (ii) If an active member board becomes an associate member board or is no longer a member of NABP, a vacancy shall immediately occur in any Executive Committee position held by a member or an administrative officer from such board.
 - (iii) No individual elected to the Executive Committee pursuant to Section 2(~~a~~) (i) of this Article shall serve more than two (2) consecutive three (3) year terms.
- (d) The term “Executive Committee” or “Executive Committee Member” shall be deemed to include officers unless the context provides to the contrary.
- (~~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.

Report of the Committee on Constitution and Bylaws

- (ef) 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 electronic or mail ballot without the necessity of seconds for motions, provided such actions are unanimously approved by the Executive Committee.
- (fg) —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.
- (gh) —Each member of the Executive Committee shall be reimbursed for expenses incurred in order to attend meetings of the Executive Committee.
- (hi) —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 board, or is no longer a member of NABP, the remaining members of the Executive Committee 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 active member boards 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.
- ~~(i) The term “Executive Committee” or “Executive Committee Member” shall be deemed to include officers unless the context provides to the contrary.~~

Section 3.

- (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 currently serving as a member or as ~~an~~ the administrative officer of an active member board;
 - (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) An individual interested in becoming a candidate for an officer position on the Executive Committee must submit written notification to the Executive Director/Secretary. Such written notification must be received no less than 45 days prior to the Annual Meeting. Only those individuals who have been determined by NABP to meet all qualifications for office shall be deemed eligible and placed on the ballot.
 - (ii) In the event no individual notifies NABP of his or her interest in becoming a candidate for an open officer position, the Executive Committee shall select the candidate(s) for each such position.
 - (iii) In the event of resignation, death, ineligibility, or inability to serve on the part of a candidate, the 45-day prior notice requirement may be waived for the selection of a new candidate by the Executive Committee.
 - (iv) The Executive Committee may adopt policies and procedures related to the security and integrity of the Executive Committee officer nomination process.

Report of the Committee on Constitution and Bylaws

(c) Open Member Positions

- (i) Each District with an open Executive Committee member position shall, at its annual District meeting, nominate no more than two candidates for the open District position. Individuals interested in being nominated by their District for an Executive Committee member position must submit to the NABP Executive Director/Secretary, District NABP chairperson, and District secretary a letter of intent and current curriculum vitae at least 20 days prior to the opening date of the District meeting. The letter of intent should include a short (no longer than one page) narrative highlighting relevant experience and attributes that qualify the individual for consideration to be nominated to the Executive Committee and, if applicable, the term expiration date on the active member board on which the individual presently serves. Only those individuals who have been determined by NABP to meet all qualifications for such position shall be deemed eligible and placed on the ballot. Notice of qualified individuals will be provided by NABP to the District NABP chairperson, District secretary, and the individual prior to the opening date of the District meeting. Each District with an open Executive Committee member position shall timely submit to the Executive Director/Secretary in writing the names of any nominated candidates. Such written notification must be received no less than 60 days prior to the Annual Meeting.
- (ii) An otherwise eligible individual not nominated under Section 3(c)(i) above may seek to become a candidate for the relevant open District member position by providing written notice to the Executive Director/Secretary. Such written notice must be submitted after the relevant District meeting, but received no later than 45 days prior to the Annual Meeting. Only those individuals who have been determined by NABP to meet all qualifications for such position shall be placed on the ballot.
- (iii) In the event no individual is nominated by the District for an open Executive Committee member position, the Executive Committee shall select, in consultation with the District for which the open position exists, the candidate(s) for each such position.
- (iv) In the event of resignation, death, ineligibility, or inability to serve on the part of a candidate, the 45-day prior notice requirement may be waived for the selection of a new candidate.
- (v) The Executive Committee shall adopt policies and procedures related to the security and integrity of the District nomination process.

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.

Section 5.

- (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

Report of the Committee on Constitution and Bylaws

currently serving as a member or as ~~an~~the administrative officer of an active member board of the Association, or be approved to serve by the Executive Committee.

- (d) If any committee member, other than an Executive Committee member, shall not continue to serve as a member or as an administrative officer of an active member board 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 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 at least thirty (30) days prior to the Annual Meeting.
- (b) In the event a member of the Committee on Resolutions is not elected in accordance with Section 6(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 “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~~ submitted within such time limitations, but which are submitted within a timeframe set by the Executive Committee, may be presented during the Annual Meeting (pursuant to Section 6 (c)) and will be considered for adoption by the Association upon the affirmative vote of three-fourths (3/4) of those active member boards present and constituting a quorum.

Section 7.

The Executive Committee shall annually select an Honorary President from nominees presented by any active or associate member board. Nominees shall consist of those persons who shall be currently serving or who have previously served as a member or as an administrative officer of an active or associate member board, and who have rendered exemplary services for, or on behalf of, the Association. The Honorary President shall be presented to the active and associate member boards at the Annual Meeting.

Article V — Annual Meeting

Section 1.

- (a) The Association shall meet annually at such time and place as the Executive Committee may determine. Thirty (30) days written notice of such Annual Meeting shall be given to the active and associate member boards by the Executive Director/Secretary of the Association.

Report of the Committee on Constitution and Bylaws

- (b) A majority of the active member boards of pharmacy shall constitute a quorum at any Annual Meeting of the Association. Unless otherwise provided herein, action may be taken on any matter by the Association at an Annual Meeting by a majority vote of a quorum.
- (c) The election of officers and Executive Committee members shall be by written ballot. All other votes of the Association at the Annual Meeting may, at the discretion of the presiding officer, be by voice vote or by standing vote to be counted by individuals designated by the presiding officer. A majority of a quorum of those active member boards present may demand a written ballot. All written ballots shall be counted by a committee of three persons to be appointed by the presiding officer.

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 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.

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 I

Section 1. Active Membership Dues

Report of the Committee on Constitution and Bylaws

The membership fee of the boards of pharmacy which apply for “active” membership shall be \$250, which amount shall be the annual dues.

Section 2. Associate Membership Dues

The membership fee of the boards of pharmacy which apply for “associate” membership shall be \$250, which amount shall be the annual dues.

Section 3. Credentialing Delegates

Each active and associate member board shall furnish credentials for the delegate and alternate delegates of the board to the Annual Meeting of this Association on a blank furnished by the Executive Director/Secretary and returned to the Association in accordance with policies set forth by the Executive Committee.

Article II

Section 1. Definition and Operation of the NABP Clearinghouse

Active member boards shall utilize NABP to process requests for transfer of examination scores and licenses. The NABP Clearinghouse shall serve as a national database of educational, competence, licensure, and disciplinary information on pharmacists licensed by the boards in determining the acceptability and qualifications of candidates requesting the transfer of examination scores and licenses into their jurisdictions.

Section 2. NABP Clearinghouse Participation and Licensure Transfer Requirements

- (a) Active member boards shall utilize the NABP Clearinghouse to process requests for the transfer of licensure in accordance with the following requirements:
 - (i) The applicant has:
 - (1) graduated from an accredited pharmacy degree program approved by the board; or
 - (2) graduated from a foreign college of pharmacy, completed a transcript verification program, taken and passed a pharmacy degree equivalency exam program, and completed a process of communication ability testing as defined under the board’s regulations so that the board is assured that the applicant meets standards necessary to protect the public health and safety.
 - (ii) The applicant has passed a competence assessment examination approved by the board at the initial time of licensure. That applicant, if examined after June 1, 1979, passed the National Association of Boards of Pharmacy Licensure Examination (NABPLEX) or the North American Pharmacist Licensure Examination (NAPLEX).
 - (iii) The applicant has a license in good standing from an active member board.
 - (iv) The applicant demonstrates that at least 1,500 hours and, effective January 1, 2012, at least 1,740 hours of practical pharmacy experience under the instruction of a licensed pharmacist have been acquired.
 - (v) The applicant has the capacity to safely engage in the practice of pharmacy with reasonable skill and competence.
 - (vi) The applicant is of good moral character and temperate habits, and does not engage in the unlawful use of drugs.
 - (vii) The applicant’s total practical pharmacy experience, and experience in the practice after licensure, is at least equivalent to the practical pharmacy experience required in the state into which the applicant is seeking to transfer the license.

Report of the Committee on Constitution and Bylaws

- (b) An application which has not been completed and submitted to the board of the state into which the applicant seeks licensure within one (1) year after the date on which it is issued shall be null and void.
- (c) A candidate shall not be deemed ineligible to be licensed because the continuing education requirements of the state into which the candidate is applying for transfer of licensure have not been met.
- (d) Active member boards shall not maintain or adopt additional requirements that unfairly impede the licensure transfer process. However, any active member board may require a pharmacist who applies for a transfer of license to be examined on the laws and/or appear before that board for the purpose of being interviewed on current pharmacy practice.
- (e) 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.

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; New Hampshire; Nova Scotia; Quebec; Rhode Island; Vermont.

District 2:

Delaware; District of Columbia; Maryland; New Jersey; New York; Ontario; Pennsylvania; Virginia; West Virginia.

District 3:

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

Report of the Committee on Constitution and Bylaws

District 4:

Australia; 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.

Article V

Section 1. Annual Meetings

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

Section 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.

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 the 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

Report of the Committee on Constitution and Bylaws

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.