



Report of the

UPJE STEERING COMMITTEE



Members Present

Jack W. “Jay” Campbell IV (NC), *chair*; Kimberly “Kim” Burns (PA), Margarita DiVall (ACCP), Mary K. Gurney (ACCP), Mark Hardy (ND), Kristina “Kris” Jonas (ID), Lisa Lebovitz (ACCP), Melissa Martin (KS), Matthew “Matt” Martineau (WY), Susan McCoy (MS), Michael Moné (OH), W. Thomas “Tommy” Smith (ACCP), Toyin Tofade (ACCP), Lee Vermeulen (ACCP), and Donna Yeatman (AL).

Others Present

Steven W. “Steve” Schierholt, *Executive Committee liaison*; Al Carter, Melissa Becker, Maureen Garrity, Eileen Lewalski, Jasmina Bjegovic, Gertrude “Gg” Levine, and Maureen Schanck, *NABP staff*.

Introduction

The steering committee met on June 27-28, 2023, at NABP Headquarters in Mount Prospect, IL. This steering committee was established pursuant to Resolution 118-3-22, National Standardized Pharmacy Jurisprudence Examination, which was approved by the NABP membership at the Association’s 118th Annual Meeting in May 2022.

Review of the Steering Committee Charge

Steering committee members reviewed their charge and accepted it as follows:

1. Determine the architectural framework for the development of a uniform national standardized pharmacy jurisprudence examination for the state boards of pharmacy to assess competency for licensure.
2. Discuss what will be expected from the boards of pharmacy and their obligations for the development, maintenance, and usage of the examination.
3. Examine the components necessary for developing state-specific continuing pharmacy education modules to assist the state boards of pharmacy in educating applicants and licensees about state laws and regulations.

Background and Discussion

After reviewing the steering committee charge, the chairperson stressed that the committee’s role was *not* to determine *whether* a national standardized pharmacy jurisprudence examination should be developed. Rather, he clarified, the NABP Executive Committee had already established the need for such an exam. In those states that adopt it, the new exam, referred to throughout the meeting as the Uniform Pharmacy Jurisprudence Examination or UPJE, would replace the requirement for licensee candidates to pass the state-/jurisdiction-specific Multistate Pharmacy Jurisprudence Examination (MPJE). The goal of the UPJE in those states that adopt it is for a pharmacist to take one pharmacy jurisprudence exam to demonstrate their competency. Candidates who pass the UPJE would meet the law examination requirement in all states that recognize it and would be eligible to practice in any of those states without taking another law exam.

Reconciling Opposing Pressures: Members of the steering committee representing ACCP shared that ACCP passed a resolution in 2022 recommending the elimination of a pharmacy law



exam altogether. The goal of this resolution, committee members explained, is to remove a barrier for pharmacy school graduates to become pharmacists. AACP representatives said they expect to see a major shortage of pharmacists in the next three years and want to do everything they can to bring more people into the practice of pharmacy, including removing obstacles.

Committee members, however, noted that regulators feel strongly that a proactive test of licensure candidates' regulatory competency is a necessary public health and safety protection measure. Some boards of pharmacy, however, face challenges with maintaining the MPJE. Resource constraints can make it difficult for them to update the exam every time laws and regulations change. Boards also face political challenges, such as increased demand in health care for interstate license portability, as well as pressure to ease the way for individuals to become pharmacists and reverse the pharmacist shortage that threatens to restrict patient access to care.

Assessing Competency at Multiple Levels: The complexity steering committee members faced was how to strike a balance between assessing regulatory competency at a level sufficiently general to form a UPJE and assessing knowledge of state-specific (and sometimes idiosyncratic) rules and laws within a participating jurisdiction. Some committee members representing state boards of pharmacy said it is important to highlight state-specific laws and rules with some kind of assessment tool, because candidates could be held accountable and subject to disciplinary action if they do not follow them.

Steering committee members went on to discuss other possible ways states could ensure competency in state-specific laws and regulations. Participants gave examples of programs in Ohio and Iowa that are required of new licensees (whether by examination or reciprocity) that teach state-specific laws and regulations. The State of Ohio Board of Pharmacy, for instance, provides a series of training videos that pharmacists seeking reciprocity to practice in that state must complete. Others suggested requiring new licensees to take a continuing education (CE) course on state requirements.

Committee members also discussed that some states may feel that CE is insufficient to hold licensees accountable for compliance with the laws and regulations. Ultimately, the committee agrees, each state can – and will – decide whether adoption of a UPJE (with or without a “plus module” discussed below) or retention of a state-specific MPJE exam better meets that state's public health and safety needs. The committee agreed, however, that a state that chose to recognize the UPJE would have to agree to not create or administer a second, state-specific law exam, as doing so would undercut the chief purpose of offering a UPJE option.

Considering State-Specific “Plus Modules”: The committee further discussed the possibility of UPJE-participating states utilizing supplementary state-specific programs, which were referred to as “plus modules.” Such modules could be developed and implemented by individual states to recognize and assess the idiosyncratic aspects of that state's law, while content to be included in the UPJE would be broad enough to apply to any state. The committee agreed that a state would *not* be required to implement a plus module as a condition for participating in the UPJE program. Each participating state would reach its own conclusion on whether the UPJE alone demonstrated sufficient regulatory competency or if supplemental instruction (but *not* testing) would be needed to ensure adequate familiarity with state-specific regulations.

Committee members discussed potential NABP assistance with developing and maintaining plus modules for those states that wished to employ them. NABP staff indicated that NABP



could offer grants and, as an Accreditation Council for Pharmacy Education-accredited CE provider, could support states in the development of CE courses or other materials to teach and assess the idiosyncratic laws and rules beyond the national content covered on the UPJE. AACP representatives offered that faculty also could contribute to the CE course development process.

Weighing Costs and Benefits: Committee members asked whether boards should be allowed to charge a fee for candidates to take or participate in a plus module. Members representing AACP noted that one of the barriers to entering the pharmacy profession is cost. Committee members acknowledged, however, that costs for new licensees are inevitable and may even increase in the years to come. As for the plus modules, committee members agreed UPJE-participating boards could make their own decisions on whether to charge a plus module fee.

Regarding the costs associated with the development and use of the UPJE, it was agreed that NABP would not charge participating states to use the exam. Committee members noted that, if enough states adopt the UPJE, it will be a worthwhile effort.

Committee members representing AACP inquired about cost to the test takers, again expressing concern that testing fees are a barrier to entry. NABP staff explained that a UPJE testing fee could not be set now, as determining an appropriate fee would depend on further development and implementation. Committee members noted that, even if the cost is slightly more for candidates to take the UPJE when compared to the MPJE, the increased cost is likely to represent higher value, because the test would open the door to practice in any UPJE-participating state.

Setting the Bar for Competency: The committee gave significant time and consideration to the challenge of establishing the “altitude” at which to set the bar for a UPJE – in other words, determining how to cover high-level concepts and general principles of state law that are universal to all or most states without going too deep into the “weeds” of the state-specific approaches to the regulation of pharmacy. Committee members agreed that an appropriate “bird’s eye” perspective would cover aspects such as the structure of governance and purpose of various state laws and regulations, in furtherance of the mission to ensure pharmacist competency and patient safety, without assessing knowledge of the specifics. Such topics might include, for example, the role of the state boards of pharmacy, the purpose of CE, and the definition of professional judgment.

Steering committee members who are pharmacy law educators said they struggled to conceptualize how to teach a course that would prepare students for a uniform law exam. Given that there are 142 colleges of pharmacy that are very different in terms of what they teach, curricula will likely vary greatly. Whereas most of the pharmacy curriculum covers pharmacotherapy and other pharmacy practice-related topics, pharmacy law is generally only a two-to-three credit hour course. Educators expressed concern that broad generalities in pharmacy law would be difficult to teach within such constraints. Other members countered that students would need to understand high-level regulatory concepts for the UPJE, which are a necessary component of any course teaching the regulatory environment of pharmacy practice. Nothing would prohibit schools from including state-specific regulatory content.

Establishing an Architectural Framework for a Uniform Exam: Steering committee members agreed that an assessment of competency should include federal laws and regulations governing pharmacy practice – and these would be included in the UPJE blueprint.



Turning to state-level regulatory concepts for UPJE assessment, the steering committee focused its attention on identifying core concepts that are uniform (or nearly so) among the states. Steering committee members introduced a pharmacy law book, *Pharmacy Practice and the Law, Ninth Edition*, cowritten by steering committee member Kim Burns, as a starting point for identifying the subject areas that should be included in the UPJE. The group focused on identifying common regulatory subjects that pharmacists need to know that are not state-specific and lend themselves to a uniform exam framework.

Some steering committee members advised excising subjects relating to primarily to pharmacy “business” regulation and focusing on those pertaining to pharmacy practice regulations. Others disagreed, stating that pharmacists-in-charge sometimes need to know the more “business”-like regulation too, even right out of pharmacy school. Moreover, the line separating “business” regulation from “practice” regulation is not always a clear one. It was noted that, upon graduation, candidates are generalists and thus need to have a broad array of knowledge, including knowledge of business practices. While many new pharmacists learn the rules and regulations on the job, corporate policies sometimes differ from state law, and it was emphasized that pharmacists should be knowledgeable of the laws to which they – not necessarily the corporation that employs them – are held accountable. It was noted that many aspects of pharmacy “business” are regulated at the federal level and would be included in the federal portion of the UPJE exam.

In addition to looking at the Burns text for general subject areas to include in a UPJE framework, steering committee members also looked at the competency statements (high-level categories) of the current MPJE blueprint. They looked at statistics such as the number of MPJE items used by multiple states, as well as subject areas covered in the MPJE but not in the Burns book. The group worked collaboratively on a spreadsheet to categorize subject areas that could be used to frame the UPJE and arrived at the following groupings. The committee emphasizes that its intent was not to set forth a concrete UPJE subject area framework. Rather, the committee’s intent was to provide guidance and ideas that competency assessment experts could use to inform their creation of a UPJE blueprint.

Area 1

- Self-regulation in pharmacy
- Approaches to regulation
- Reasons to regulate professions
- State boards of pharmacy
- Federal Agencies (FDA, DEA, HHS, etc)
- State Regulation of Long-Term Care Facilities
- State Hospital Pharmacy Licensure Issues

Area 2

- Licensing
- Licensing of pharmacists
- Licensing/permitting of pharmacies
- Licensing of wholesale drug distributors
- Licensing of non-pharmacist personnel
- Licensing durable medical equipment facilities
- Automation
- CE/competency
- Nonresident (mail-order) pharmacies
- Nonresident (internet) pharmacies

Area 3

- Grounds for discipline
- Unprofessional/unethical conduct
- Due process/administrative procedure
- Absence of a pharmacist
- Reinstatement of a license
- Impaired pharmacist programs
- Actions against a pharmacy license/registration/permit



Area 4

- Standards of practice
- Practice of pharmacy defined
- Counseling requirements
- Collaborative practice agreements/ prescriptive authority/state protocols
- Emergency refill authorization
- Applicable US Pharmacopeia chapters
- Supervision of non-pharmacist personnel
- Liability and malpractice
- Prescription monitoring programs
- Continuous quality improvement programs*

*The committee considered including this item in a separate Area 5.

Planning for Next Steps: NABP staff indicated that, as a next step, NABP competency assessment experts would use the committee's guidance to create a UPJE framework for the committee members to review at its next meeting. This framework satisfies the first charge of the steering committee.

In subsequent meetings, the committee will focus more on the second and third charges.

Once the subject areas that the UPJE should cover (ie, competency statements) are finalized, committee members noted that a subsequent step would be to procure expert item writers to compose questions for each area of the resulting blueprint. NABP would need to establish a national review committee, like the existing review committees for the North American Pharmacist Licensure Examination and the MPJE. This review committee would then review the questions to determine whether they are suitably high level for a uniform exam and map each one back to the UPJE blueprint. Committee members asked whether states that plan to adopt the UPJE should participate in developing the exam. NABP staff noted that it would welcome the participation of subject matter experts from participating states, but that some states are particularly interested in adopting a UPJE because they lack the resources to maintain the MPJE. Accordingly, while state participation would be welcomed, it would not be a requirement of UPJE-participating states.

In summary, after careful review and deliberation, the steering committee recommended the following:

1. UPJE-participating states will not be allowed to require a separate *test* of regulatory competency as a condition of licensure.
2. NABP will encourage, but not require, UPJE-participating states to develop and implement a supplementary "plus module" to teach state-specific laws and regulations for new licensees.
3. NABP will provide development resources and support to those UPJE-participating states that wish to implement a plus module to teach state-specific laws and regulations for candidates or new licensees.
4. NABP's competency assessment experts will use the guidance provided by the steering committee to develop a UPJE blueprint.