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**EXECUTIVE DIRECTOR**

November 6, 2014

Representative Kim Hammer  
House Chairman, Joint Performance Review Committee  
Bureau of Legislative Research  
Big Mac Building, R-515  
Little Rock, AR 72201

Dear Representative Hammer,

I am writing you today with responses from the Arkansas State Board of Pharmacy for the November 9, 2015 meeting of the Joint Performance Review Committee.

Attached you will find our answers to the three questions asked by Representative Sullivan as well as the questions directed to the Arkansas State Medical Board as they would be paralleled to the Arkansas State Board of Pharmacy. I am more than happy to explain any of this in further detail especially how we encourage prospective students and senior pharmacy students to front load applications to speed their ability to become licensed or authorized to take national exams as soon as possible once they meet criteria to do so. Our approach to these tasks makes it appear to take much longer to obtain a license or registration than it actually does in reality as it allows our staff to identify any lacking documentation and perform criminal background checks for these students so that there is no further delay once they meet criteria for an intern license or to take their national board exam for licensure as a pharmacist. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,



John Clay Kirtley, Pharm.D.  
Executive Director

CC: Representative Dan Sullivan  
Karen Holliday, Eden Howard

## Joint Performance Review Questions

1. # of licensees / registrations for individuals by type

|                    | # of Licenses/Registrations issued per year |      |      |      |      |      |      |      |      |      | (to Date) |
|--------------------|---|------|------|------|------|------|------|------|------|------|-----------|
|                    | 2005  | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015      |
| <b>Pharmacists</b> | 192   | 213  | 226  | 242  | 277  | 279  | 261  | 333  | 356  | 447  | 414       |
| <b>Interns</b>     | 143   | 148  | 174  | 150  | 377  | 215  | 203  | 203  | 195  | 207  | 178       |
| <b>Technicians</b> | 864   | 1160 | 1115 | 1238 | 1170 | 1074 | 1285 | 1364 | 1399 | 1481 | 1432      |

2. Sanctions – See below #3 for aggregate numbers and attached sheet for more specific issues listed by meeting dates of appearance for those that came before the Board of Pharmacy in some manner.
3. This is more of a question for our two colleges of pharmacy regarding education here vs working in Arkansas. Traditionally the UAMS College of Pharmacy is made up of Arkansas Residents that predominantly stay in Arkansas after graduation. Harding University College of Pharmacy has a much more national and even international mix of students but reports that a larger number of students remain in Arkansas to practice as pharmacists than are from Arkansas originally.

### Questions from Representative Sullivan

1. The following answers relate to permits for Pharmacists, Pharmacy Interns (Pharmacy Students) and Pharmacy Technicians:

**In State re-licensure** is typically completed within 10 business days as long as the application is complete. The rate limiting step on this issue is generally waiting for state and federal criminal background check results. Once those results are received, unless there is some disqualifying history the application is generally processed within a day.

**Renewals** – renewals are processed electronically with the Board of Pharmacy incurring the expense for electronic renewals so that there is no additional charge for the licensee to renew via the internet. Each day our staff pulls up the renewals to review them and print new permits to be mailed the day they are fed into our system. In general, a renewed permit is mailed out on the first business day following the renewal. For renewals done Sunday-Thursday, new permits are generally printed and mailed within 24 hours.

**Initial Applications** are generally processed within 10 business days from submission as long as the application is complete. The rate limiting step on this issue is generally waiting for state and federal criminal background check results. Once those results are received, unless there is some disqualifying history the application is generally processed within a day.

Initial Licensure for Pharmacists can happen one of two ways:

Licensure by Examination and Licensure by Reciprocity

**Licensure by Examination** is a two-step process where pharmacists must apply to take the North American Pharmacist Licensure Examination and then apply for their license. In order to take the exam itself, they must have an application for examination with a state to approve them to take the NAPLEX. After a passing score is reported on the NAPLEX, the pharmacist must file an application for license by exam. Rate limiting steps in this process are either the

delay in taking the exam after graduation or delay due to criminal background checks. Pharmacist applicants must also pass the Arkansas Pharmacy Jurisprudence Exam. The Board of Pharmacy encourages senior pharmacy students to start this entire process prior to graduation to be sure this can happen as soon as they have a pharmacy degree conferred. At the same time, this effort to speed the steps in obtaining a license also makes it appear as though it takes much longer. The Board could simply refuse to accept these applications until after graduation and likely cut 30 days off the average time period for this. If only considering the final step of application in this process, most pharmacist licenses are issued within 24 hours of the final application being filed.

**Typical timeline for pharmacist application by exam in Arkansas:**

- Student applies to NABP to take NAPLEX exam
- Student applies for Authorization to take NAPLEX exam with Board of Pharmacy that includes a Criminal Background Check
- Student Graduates
- Student has degree conferred and verification from the student's college delivered to Board of Pharmacy
- Board of Pharmacy authorizes student to test
- Student schedules NAPLEX examination
- Student takes NAPLEX and awaits score results
- When student passes NAPLEX, score is seen by Board and Student, Student applies for licensure by examination with Board of Pharmacy
- Pharmacist license issued (Arkansas Students would have already taken and passed the Jurisprudence exam. For new applicants by exam from other schools they would need to take the Jurisprudence exam in our office)

**Licensure by Reciprocity:** Most out of State Pharmacists getting licensed in Arkansas do so by Reciprocity. National standards for reciprocity require a pharmacist to have an original license by exam in good standing from another state for 6 months before reciprocity is allowed. The reciprocity application process for pharmacists includes the following:

1. Reciprocity packet completed through the National Association of Boards of Pharmacy to check licensure history and disciplinary history for any states the pharmacist has previously been licensed in.
2. Receiving a passing grade on the Arkansas Pharmacy Jurisprudence Exam
3. Interview with the Board of Pharmacy during a regularly scheduled meeting. If a pharmacist needs a temporary license until the next regularly scheduled meeting of the Arkansas State Board of Pharmacy, they can schedule a time to come to the Board of Pharmacy offices, take the Jurisprudence Exam and have a verbal interview with a Board member to get their provisional license. Provisional licenses are given at the completion of the provisional process and normal licenses are given at the end of the reciprocity appearances during our Board meeting so that applicants can return home or to work with their permits that day.

\*Arkansas Pharmacy Jurisprudence Exam – The Arkansas Pharmacy Jurisprudence Exam is given in our office without any extra fees or charges to the pharmacist whereas most other states use the Multistate Pharmacy Jurisprudence Examination with a cost of \$210 per test to pharmacists or pharmacy students. Additionally, this exam is given during pharmacy school at both Arkansas based Colleges of Pharmacy saving Arkansas Pharmacy School Graduates thousands of dollars as well as reducing delays in the licensure process.

# November 9<sup>th</sup> 2015 Legislature Statistics

Provide the average number of licenses your board issues each year—break it down by the different areas/groups of licenses, such as primary care, surgeons, nursing categories, etc. Please list the number of people in your field currently licensed in the state.

| License Type                                      | Currently licensed | Applied for in 2014 | Permitted in 2014 | Incomplete from 2014** | Average # of days from receipt to licensure |
|---|--------------------|---------------------|-------------------|------------------------|---|
| Pharmacists                                       | 5846               | 506                 | 447               | 62                     | 92  |
| After Passing NAPLEX (License by Exam) 0-386 days |                    |                     |                   |                        | 18  |
| Once Reciprocity Requirements completed           |                    |                     |                   |                        | Same day                                    |
| Pharmacist Reinstatements*                        | -                  | 22                  | 20                |                        | 39  |
| Temporary Pharmacist Licenses                     | -                  | 44                  | 44                | -                      | 57  |
| Interns   | 779                | 216                 | 207               | 4                      | 17  |
| Pharmacy Technicians                              | 7202               | 1574                | 1481              | 87                     | 17  |
| Technician Reinstatements*                        | -                  | 151                 | 132               |                        | 15  |

\* Reinstatements of previously licensed applicants

\*\* See reasons for applicants being incomplete below

93% of all applications received in 2014 were approved in 2014

15% of all current licensees were licensed in 2014

## 2. What is the error rate for incomplete/inaccurate applications?

This is very difficult to quantify as we do not proceed until applications are complete and would attempt to resolve any insufficiencies in applications to allow further processing.

The Board of Pharmacy attaches checklists and instructions to each application to assist applicants to ensure all necessary requirements are included. Inaccurate applications are most often seen where an applicant fails to disclose some sort of criminal history. Failure to disclose criminal history requires an appearance before a Board Committee in a public committee meeting in order to discuss the application for consideration.

### Pharmacists – 62 total

- 1 Denied
- 4 Withdrawn
- 57 Expired
- Out of the 62 applicants, 53 were reciprocity applicants from other states that would require a trip to Arkansas to become licensed.
- Out of the 62 applicants, 9 were license by exam applicants who are required to take and pass the national NAPLEX examination to become licensed in Arkansas.

Interns – 4 total

- 1 Was missing the Dean certification from a College of Pharmacy
- 1 Required a second set of fingerprints to complete background check (never submitted)
- 2 Had disciplinary actions they chose not to pursue

Technicians – 87 total

- 18 Denied
- 2 Withdrawn
- 67 Expired
  - 1 Had an insufficient funds check and never sent in replacement payment
  - 3 Had missing documentation never submitted
  - 15 Required a second set of fingerprints to complete the background check that they never submitted
  - 48 Had disciplinary actions they chose not to pursue by Board Appearance

3. Orders and Agreements entered with the Arkansas State Board of Pharmacy

|  | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|--|------|------|------|------|------|-------|
| Preliminary Consent Order (Voluntary Suspension) | 2    | 9    | 8    | 3    | 4    | 26    |
| Probation Consent Order                          | 1    | 3    | 2    | 3    | 6    | 15    |
| Consent Order                                    | 4    | 4    | 1    | 14   | 8    | 31    |
| Agreed Order                                     | 5    | 0    | 0    | 0    | 0    | 5     |
| Consent Agreement                                | 31   | 34   | 8    | 19   | 31   | 123   |
| Voluntary Surrender                              | 12   | 12   | 7    | 12   | 9    | 52    |
| Agreed Temp Order                                | 2    | 0    | 1    | 2    | 0    | 5     |
| Extended Probation Consent                       | 1    | 0    | 3    | 0    | 0    | 4     |
| Amended Probation Consent Order                  | 0    | 1    | 1    | 2    | 0    | 4     |
| Total Orders per Year                            | 58   | 63   | 31   | 55   | 58   | 265   |

4.

- a. Current backlog is approximately 10 days on completed applications waiting for criminal background check results. All individual applications that require a Board appearance due to disqualifying history are currently scheduled for a December Informal Committee at this time.
- b. Over the past 5 years our backlog has consistently stayed around 10 business days except for instances where there have been delays in obtaining federal criminal background check results.

5. We do not have statistics on the regional or national length of time to process applications but in discussing this issue with pharmacists and our colleges of pharmacy they routinely compliment the Arkansas State Board of Pharmacy for our ability to answer questions regarding the application process in a timely manner as well as the speed of our application process.
  
6. We have cross trained our staff to help fill in gaps whenever other staff members are absent so that we do not have any undue delays with processing. With our addition this summer of a full time attorney on staff we have also greatly reduced our turnaround time to review criminal history and prepare for applicant appearances before the Board. Finally, we have expanded the length of time for our Board Committee meetings where the December meeting is scheduled for 3 full days rather than 1.5-2 days. During 2015, the Board of Pharmacy schedule 8 Informal Committee meetings to help speed the processing of applications that had resolvable problems. The delays with new applications are currently necessary, resulting from the usual delays in waiting for criminal background results or waiting for applicants to finish requirements of licensure such as passing their national exam.