

BEFORE THE BOARD OF PHARMACY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.174.501 examination for) PROPOSED AMENDMENT
licensure as a registered pharmacist)

TO: All Concerned Persons

1. On August 26, 2016, at 10:00 a.m., a public hearing will be held in the basement conference room, #B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Pharmacy (board) no later than 5:00 p.m., on August 19, 2016, to advise us of the nature of the accommodation that you need. Please contact Marcie Bough, Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2371; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2344; or dlibspha@mt.gov (board's e-mail).

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.174.501 EXAMINATION FOR LICENSURE AS A REGISTERED PHARMACIST (1) through (3) remain the same.

- (a) ~~a successful~~ an interview before the Board of Pharmacy or its designee;
- (b) ~~the Foreign Pharmacy Graduate Equivalency Examination (FPGEE);~~
- (c) remains the same but is renumbered (b).
- (c) receive a Foreign Pharmacy Graduate Examination Committee (FPGEC)

Certification from NABP, which includes the following:

- (i) Foreign Pharmacy Graduate Equivalency Examination (FPGEE);
- (d) (ii) the Test of Spoken English (TSE); and one of the following:
- (i) (iii) the computer-based Test of English as a Foreign Language (TOEFL);
- (ii) ~~the paper-based TOEFL;~~
- (iii) ~~the internet-based TOEFL.~~
- (4) ~~The board may waive the provisions of (3)(d) upon request of the applicant, if the board determines the applicant is able to communicate in the English language.~~
- (5) remains the same but is renumbered (4).

AUTH: 37-1-131, 37-7-201, MCA

IMP: 37-1-131, 37-7-201, 37-7-302, MCA

REASON: The board determined it is reasonably necessary to clarify the requirements for foreign pharmacy graduates applying for licensure in Montana. Currently, the board requires applicants to take the Test of Spoken English (TSE) and the Test of English as a Foreign Language (TOEFL), but does not require specific passing scores. Therefore, the board is amending this rule to require that applicants obtain the Foreign Pharmacy Graduate Examination Committee (FPGEC) Certification from the National Association of Boards of Pharmacy (NABP). FPGEC Certification requires foreign pharmacy graduates to take the Foreign Pharmacy Graduate Equivalency Examination (FPGEE), TSE, and TOEFL, as the board currently requires, but also requires applicants to achieve specific minimum scores on these examinations.

The board uses NABP's services for other pharmacist licensing functions, including use of the NAPLEX and MPJE exams, as well as verification of licensure in other jurisdictions. The board notes that adopting the FPGEC Certification process is consistent with the board's other pharmacist licensing practices, and FPGEC Certification process is also required by a majority of state boards of pharmacy. Further, the amendment to require its foreign pharmacy graduates to obtain FPGEC Certification, where minimum TSE and TOEFL scores are stated and required, alleviates the board's need to independently evaluate the applicant's proficiency in English, as (4) currently articulates.

The board is maintaining the requirement for foreign pharmacy graduates to complete an interview as part of the application process, but is deleting the word "successful" because that term is not defined.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2344, or e-mail to dlibspha@mt.gov, and must be received no later than 5:00 p.m., September 2, 2016.

5. An electronic copy of this notice of public hearing is available at www.pharmacy.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the

person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2344; e-mailed to dlibsdpba@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.174.501 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Pharmacy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2344, or e-mail to dlibsdpba@mt.gov.

9. Marcie Bough, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PHARMACY
STARLA BLANK, RPh
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 25, 2016