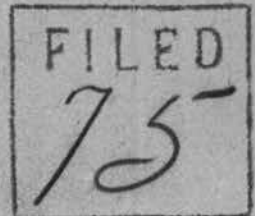


BOARD OF : Pharmacist licensed in England entitled to license
PHARMACY : by reciprocity in this state upon showing that England
: extends reciprocity to Missouri licensees.

July 16, 1948.



Mr. Charles W. Riley, Secretary
Missouri Board of Pharmacy,
254 Wilhoit Bldg.,
Springfield, Missouri.

Dear Sir:

We have received your request for an opinion of this department concerning the eligibility of Mr. William T. Helyer, a British subject, to register as a pharmacist in the State of Missouri either by examination or by reciprocity. Your request is as follows:

"The Board of Pharmacy requests an opinion from your office as to the status of Mr. William T. Helyer as to whether this pharmacist, a British subject, is eligible to register as a pharmacist with the State of Missouri by reciprocity or by examination.

"The information you now have on your desk concerning his educational qualifications, all of which was obtained in England, is all that can be supplied at this time."

The information that you have submitted shows that Mr. Helyer completed the Junior and Senior High School courses and attended the South of England College of Pharmacy during 1923 and 1924 and was graduated therefrom. This school was recognized and approved by the Pharmaceutical Society of Great Britain and it is stated that the two-year pharmacy curriculum which it offered was probably the equivalent of the two-year curriculum offered in the United States Colleges at that time.

As for admission by examination, Section 10014 R. S. Mo. 1939, provides that applicants for license by examination shall be twenty-one years of age, shall have attended high school for four years or its equivalent, shall have had one year practical experience in a retail drug store under the supervision of a registered pharmacist, and shall be a graduate of a school or college of pharmacy whose requirements for graduation are satisfactory to and approved by the Board of Pharmacy.

You informed us that although the state of Missouri formerly approved pharmaceutical colleges which offered two-year courses, since June 1, 1937, a college has been approved only if it offers a four-year course. In view of this rule and the provisions of

Section 10014, R. S. Mo. 1939, we are of the opinion that Mr. Helyer is not eligible for admission to take the examination, inasmuch as the course which he took was two years.

As for admission by reciprocity, Section 10008, R. S. Mo. 1939, contains the following provision:

"The board of pharmacy may issue licenses to practice as pharmacists in this state without examination to such persons as have been legally registered or licensed as pharmacists in other states or foreign countries: Provided, that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this state, and that he was registered or licensed by examination in such other state or foreign country, and that the standard of competence required in such other state or foreign country is not lower than that required in this state; and also provided, that the board is satisfied that such other state or foreign country accords similar recognition to the licentiates of this state.* * "

The power which has been vested in the board to admit without examination applicants by reciprocity is but a legislative declaration of policy and its exercise lies within the discretion of the board (State ex rel. v. State Board of Health, 61 S.W. (2d) 925).

According to the information submitted to us, the board has adopted the following rule concerning license by reciprocity: "The applicant must have had the legal qualifications at the time of examination and registration in the state from which he applies which would at that time have enabled him to qualify for examination and registration."

The information which you have submitted does not indicate the date on which Mr. Helyer was licensed in England. If, however, that date was prior to June 1, 1937, when the four-year rule was adopted, he would meet the education requirement for reciprocity, inasmuch as Missouri admitted to examination persons who had completed a two-year course prior to that. However, the statute makes the further requirement that the state or foreign country from which an applicant seeks admission by reciprocity must extend like recognition to applicants from this state.

You have submitted to us a copy of the United Kingdom Medical Practitioners and Pharmacists Act of 1947. Section 11 of that Act contains the following provision:

"The power of the Council of the Pharmaceutical Society of Great Britain to make byelaws under section two of the Pharmacy Act, 1852, shall include power to make byelaws as to the registration as pharmaceutical chemists or as chemists and druggists under the Pharmacy Act, 1852, and the Pharmacy Act, 1868, of persons holding or having held a diploma as a pharmacist granted in a place outside the United Kingdom, or having passed the examinations necessary for obtaining such a diploma, providing for their registration (subject to such conditions as to character and otherwise as may be prescribed by the byelaws) either -

"(a) without examination in the United Kingdom, and without satisfying any requirements to which they would be subject apart from this section under byelaws made by virtue of paragraph (a) or (c) of section four of the Poisons and Pharmacy Act, 1908 (which relate to preliminary practical training and to periods and courses of study); or

"(b) subject to requirements as to examination in the United Kingdom, or to any such requirements as aforesaid, relaxed as compared with those to which they would be subject apart from this section."

However, no information has been submitted concerning any byelaws which have been adopted pursuant to the above-quoted section and consequently we have no way of knowing whether or not the United Kingdom now extends reciprocity to residents of this state. Until such information is supplied, we are of the opinion that the Board is not authorized to grant Mr. Helyer a license by reciprocity, but that upon receipt of information that such privilege is extended by the United Kingdom to residents of this state he should be entitled to receive a license, subject to the above-mentioned question concerning the date of his license in the United Kingdom.

CONCLUSION.

Therefore, we are of the opinion that because of the requirement that an applicant for registration as a licensed pharmacist have completed a four-year course in a pharmaceutical college that Mr. Helyer is not entitled to registra-

Mr. Charles W. Riley,

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tion by examination, but that upon showing that his license was granted in England prior to June 1, 1937, and that England extends reciprocity to applicants from Missouri he is entitled to registration by reciprocity.

Respectfully submitted,

ROBERT R. WELBORN
Assistant Attorney General

APPROVED:

J. E. TAYLOR *JB*
Attorney-General

RRW/LD