

11-23-51

EXAMINATION: (1) Applicant must be a graduate of a  
BOARD OF PHARMACY: school of pharmacy to be eligible for  
EXAMINATION FOR PHARMACIST: registry by examination as a pharmacist  
RECIPROCITY: in Missouri. (2) An applicant eligible  
ELIGIBILITY FOR REGISTRY: for registry by reciprocity in Missouri  
BY RECIPROCITY: if state from which he seeks

November 23, 1951

reciprocity accords similar recognition to licentiates of this state, if he was registered or licensed by examination in such other state or foreign country; if the standard of competency in such other state or foreign country is not lower than that required in this state; and if the applicant for such license shall present satisfactory evidence of qualifications equal to those required from the licentiates in this state.

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

Dear Sir:

Your recent request for an opinion of this office has been referred to me, the pertinent part of your letter is as follows:

"(1) Is an applicant eligible for registry by examination as a pharmacist in Missouri if such applicant is not a graduate of an approved school of pharmacy?

"(2) Is an applicant eligible for registry by reciprocity in Missouri if such applicant is not a graduate of an approved school of pharmacy but is registered by examination in New Mexico, Colorado, and Nevada since the year 1938."

Section 338.030, RSMo 1949, we believe, contains the answer to your first question and said statute reads as follows:

"An applicant for examination shall be twenty-one years of age and in addition shall have attended high school for four years or its equivalent, 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." (Underscoring ours.)

Mr. Charles W. Riley

We believe, without question, that the above underlined section of the statute makes it mandatory that an applicant, to be eligible for the registry as a pharmacist in Missouri must be a graduate of a school or college of pharmacy whose requirements for graduation are satisfactory to and approved by your board.

Section 338.040, RSMo 1949, we believe, contains the answer to your second question. Said section reads:

"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. Applicants for license under this section shall, with their application, forward to the secretary of the board of pharmacy the sum of fifteen dollars as a fee for such license."  
(Underscoring ours.)

It is our opinion that the applicant, inquired about in your second question above, is eligible for registry by reciprocity in Missouri if he has been registered heretofore by examination in New Mexico, Colorado and Nevada since the year 1938, and if he can present satisfactory evidence of qualifications equal to those required from licentiates in this state, that the standard of competence required in any of the other states, is not lower than that required in this state, and that such other state or foreign country accords similar recognition to the licentiates of this state.

Therefore, the only thing that would preclude your granting a license to this applicant is the fact that one or more of the four qualifications for a license by reciprocity, as set out in Section 338.040, RSMo 1949, is missing from his application.

Mr. Charles W. Riley

CONCLUSION

It is therefore the opinion of this department:

(1) That an applicant is not eligible for registry by examination as a pharmacist in Missouri unless he shall be a graduate of a school or college of pharmacy whose requirements of graduation are satisfactory to and approved by the Board of Pharmacy.

(2) That the applicant about whom inquiry is made in your second question above, is eligible for registry by reciprocity in Missouri if either of the states of New Mexico, Colorado or Nevada accord similar recognition to the licentiates of this state; if he was registered or licensed by examination in such other state or foreign country; if the standard of competency in such other state or foreign country is not lower than that required in this state; and if the applicant for such license shall present satisfactory evidence of qualifications equal to those required from the licentiates in this state.

Respectfully submitted,

A. BERTRAM ELAM  
Assistant Attorney General

APPROVED:

  
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Attorney General

ABE:mw