



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Walter Cousins, Jr., Secretary
Texas Board of Pharmacy
911 Insurance Building
Dallas, Texas

Dear Sir:

Opinion No. O-5708
Re: Whether the Texas Board of
Pharmacy, under the provi-
sions of Section 9, Article
4542-a, V.A.C.S., is author-
ized to grant reciprocity,
and related questions.

We have your letter reading in part as follows:

"We have a problem confronting us regarding reciprocity with persons licensed in other States. We would like to have an opinion from your Department for our guidance.

"Article 4542-a, Section 9, Revised Civil Statutes of Texas, provides the subjects of examination, qualifications and provisions concerning reciprocity. Since June 12, 1934, every application for examination and registration as a pharmacist in Texas, under the Texas statutes, must be a graduate of a recognized college of pharmacy. Persons registered in another State prior to the above date have been able to secure reciprocal registration in Texas, if their qualifications at the time of registration would admit them to examination and registration in Texas at that time.

"There are many persons registered under the laws of New Mexico who have applied to Texas for reciprocity, and, since the New Mexico laws regulating the practice of pharmacy do not have the same

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prerequisites as the laws of Texas, and since some of the persons licensed in the State of New Mexico studied in 'cram' schools or served apprenticeships under licensed pharmacists and later took the examination and were admitted as licensed pharmacists in the State of New Mexico; and others took their pharmaceutical education by correspondence or extension work, we would like to know if under Section 9 of Article 4542-a, Revised Civil Statutes of Texas, this Board has the right to grant reciprocity, since our law states:

"Provided that the State Board of Pharmacy may, in its discretion, upon the payment of Twenty-five (\$25.00) Dollars, grant a license to practice pharmacy to persons who furnish proof that they have been registered as such in some other State or Territory, and that they are of good moral character. Provided that such other Board in its examination requires the same general degree of fitness required by this State and grants the same reciprocal privileges to pharmacists of this State."

"In term 'the same general degree of fitness', set forth above, what is meant by 'same general degree of fitness'?"

". . . ."

Since the Legislature in 1943 amended the statutes regulating the practice of pharmacy in Texas, it is made entirely clear by Section 9 that every person desiring to practice pharmacy in the State of Texas shall be required to pass the examination given by the State Board of Pharmacy. This Section of the Act sets forth in specific detail the necessary qualifications of an applicant for such examination. These requirements are: (1) that the applicant has obtained the age of 21 years; (2) is of good moral character; (3) is a citizen of the United States; (4) is a graduate of a first class high school or has a preliminary education equivalent thereto that would permit matriculation in the University of Texas; and (5) that he has attended and graduated from a reputable school or college of pharmacy which meets with the requirements of the

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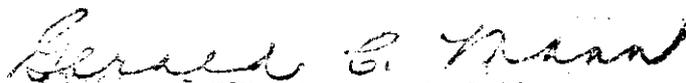
Board. In addition to this, he shall have had one year of practical experience in a retail pharmacy under the direct supervision of a registered pharmacist. A reputable or recognized school or college of pharmacy is defined as one whose course of instruction shall be the equivalent of not less than four terms of eight months each, all of which shall be approved by the Board. The statute further outlines the courses of study which shall be covered by the examination.

There is a specific provision in this Section of the Act however giving the Board the discretion to grant a license to practice pharmacy to a person who furnishes proof satisfactory to the Board that he has been registered in some other State or territory. This discretion of the Board however is conditioned with the requirement, first, that the applicant shall be of good moral character and, second, that the Board shall require of the applicant the same general degree of fitness that is required of an applicant to take the examination in this State.

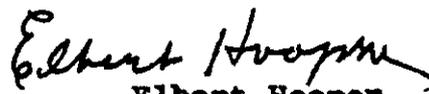
One of the obvious purposes of the amended law is to raise the standards of the profession in this State. In carrying out the purposes and objects of the law it seems clear that it would be the duty of the Board to measure the qualifications of an applicant registered in another State by the same general standards that are applied to those desiring to take the examination in this State. It is our opinion, therefore, that the clause, "the same general degree of fitness" used in the Act, means just that. Out-of-state licensees in order to qualify in Texas must measure up to all the standards that are imposed upon all other applicants for examination to practice pharmacy in Texas. Of course, there is the other requirement that the applicant must be licensed by a State reciprocating with Texas in this regard.

Very truly yours

ATTORNEY GENERAL OF TEXAS

APPROVED AND FORWARDED:

 ATTORNEY GENERAL OF TEXAS

By


 Elbert Hooper
 Assistant

RH:db

