

**PHARMACY BOARD [657]**

**Notice of Intended Action**

The Board of Pharmacy hereby proposes to amend Chapter 33, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 147.76.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 272C.4, Code 2019, as amended by 2019 Iowa Acts, House File 288.

*Purpose and Summary*

During the 2019 Legislative session, a change was made to the Iowa Code to require agencies to establish procedures to expedite the licensing of an individual who is licensed in a similar profession or occupation in another state and who is the spouse of an active duty member of the military forces of the United States. The proposed amendment implements this change.

*Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa.

*Jobs Impact*

After analysis and review of this rule making, the impact on jobs cannot be determined as it is unknown the number of individuals this may impact.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Public Comment*

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on \_\_\_\_\_, 2019. Comments should be directed to:

Sue Mears, RPh  
Compliance Officer  
Iowa Board of Pharmacy  
400 SW 8<sup>th</sup> St, Suite E  
Des Moines, IA 50309

*Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1) “b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request

by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Adopt the following **new** definition of “*Spouse*” in rule **657—33.1(85GA,ch1116)**:

“*Spouse*” means a spouse of an active duty member of the military forces of the United States.

ITEM 2. Amend rule 657—33.3(85GA,ch1116) as follows:

**657—33.3 (85GA,ch1116) Veteran or spouse licensure or registration.** A veteran or spouse with an unrestricted pharmacist license in another jurisdiction may apply for pharmacist licensure in Iowa by license transfer/~~reciprocity~~ pursuant to rule 657—2.9(147,155A) and this chapter. A veteran or spouse must pass any required examinations to be eligible for pharmacist licensure by license transfer/~~reciprocity~~. A veteran or spouse may submit an application for pharmacist-intern registration pursuant to 657—Chapter 4 and this chapter. A veteran or spouse may submit an application for technician registration pursuant to 657—Chapter 3 and this chapter. A veteran or spouse may submit an application for pharmacy support person registration pursuant to 657—Chapter 5 and this chapter.

**33.3(1) Priority application status.** A fully completed application for licensure or registration submitted by a veteran or spouse under this chapter shall be given priority status and shall be expedited.

**33.3(2) Application requirements.** Such an application shall contain all of the information required of all applicants for licensure or registration who hold unrestricted licenses or registrations in other jurisdictions and who are applying for licensure or registration, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. In addition, the applicant shall provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or as a spouse of an active duty member of the military forces of the United States.

**33.3(3) Equivalency determination.** Upon receipt of a fully completed application for licensure or registration, the board shall promptly determine if the requirements for licensure or registration of the jurisdiction where the veteran or spouse is licensed or registered are substantially equivalent to the requirements for licensure or registration in Iowa. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and post-graduate experiences.

**33.3(4) Licensure or registration approval.** The board shall promptly grant a license or registration, as appropriate, to the veteran or spouse if the ~~veteran~~ applicant is licensed or registered in another jurisdiction whose licensure or registration requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure or registration based on other grounds, for example, the applicant's disciplinary or criminal background.

**33.3(5) Notification of additional requirements and provisional licensure or registration.**

If the board determines that the veteran or spouse is licensed or registered in another jurisdiction whose licensure or registration requirements are not substantially equivalent to those required in Iowa, the board shall promptly inform the ~~veteran~~ applicant of the additional experience, education, or examinations required for licensure or registration in Iowa. Unless the applicant is ineligible for licensure or registration based on other grounds, such as disciplinary or criminal background, the following shall apply:

*a.* If ~~a veteran~~ the applicant has not passed the required examination(s) for licensure or registration, the applicant may request that the application be placed in pending status. For the purpose of taking and passing the multi-state jurisprudence exam (MPJE), Iowa edition, by a pharmacist applicant by license transfer pursuant to rule 657—2.9(147,155A), the board may issue a provisional license for 90 days.

*b. to d.* No change.

ITEM 3. Amend rule 657—33.4(85GA,ch1116) as follows:

**657—33.4 (85GA,ch1116) Request for contested case.** A military service applicant or a veteran or spouse who is aggrieved by the board's decision to deny all or part of the military service credit application, a request for a license by license transfer/reciprocal license, a request for a registration, or a request for provisional license or registration, or is aggrieved by the terms under which a provisional license or registration will be granted, may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision pursuant to 657—subrule ~~35.26(4)~~ 35.30(1). There shall be no fees or costs assessed against the veteran or spouse in connection with a contested case conducted pursuant to this chapter.