

STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

March 21, 1978

ATTORNEY GENERAL OPINION NO. 78-124

Mr. Robert E. Davis  
Davis, Davis & McQuire, Chartered  
402 Shawnee Street  
Leavenworth, Kansas 66048

Re: Public Health--Pharmacists--Graduation Status for  
Registration

Synopsis: Applicant for registration to practice as a pharmacist in this state must graduate from a school or college of pharmacy or department of a university accredited by the American Council on Pharmaceutical Education and recognized and approved by the Kansas State Board of Pharmacy.

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Dear Mr. Davis:

You request the opinion of this office as attorney for the Kansas State Board of Pharmacy whether an applicant for registration to practice as a pharmacist in this state who has received a basic pharmacy degree (equivalent to bachelor of science) from a foreign university not accredited by the American Council on Pharmaceutical Education (ACPE), but who has nonetheless received advanced degrees in pharmacy from universities in the United States whose basic pharmacy programs are accredited by ACPE, satisfies the express requirements of K.S.A. 1977 Supp. 65-1631.

You advise that the individual here concerned received his bachelor of science degree in pharmacy from Panjab University, Chandigarh, Panjab, India. Apparently, no school, college or department of this institution has been accredited by the ACPE. However, you point out that this man has received a masters of science degree majoring in pharmacy from the University of Minnesota as

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well as a doctor of philosophy degree majoring in pharmacy administration from Ohio State University. It is our understanding that these latter degrees were awarded by the respective graduate schools as distinguished from the schools of pharmacy.

K.S.A. 1977 Supp. 65-1631 provides in pertinent part thus:

"(a) . . . Every applicant for examination and registration as a pharmacist shall be of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited by the American council on pharmaceutical education and recognized and approved by the board . . . ."

The fundamental issue presented is to determine as a matter of law whether the advanced pharmacy degrees above described qualify the applicant within the express provisions of K.S.A. 1977 Supp. 65-1631, *supra*; it is not to decide whether this individual as a matter of fact has otherwise demonstrated in an educational or empirical sense his fitness to practice as a pharmacist.

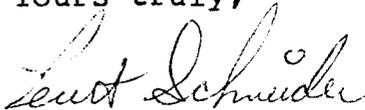
ACPE advises that it had accredited the College of Pharmacy at the University of Minnesota in 1968, the year in which applicant received his masters of science degree. ACPE also accredited the College of Pharmacy at Ohio State University in 1971 when applicant was awarded his doctor of philosophy degree. In light of these accreditations applicant urges that the Board should consider him to have satisfied the mandates of K.S.A. 1977 Supp. 65-1631 since he has graduated from a college of pharmacy accredited by ACPE. We cannot agree.

K.S.A. 1977 Supp. 65-1631 clearly requires that an applicant actually graduate from an accredited college of pharmacy. It appears from the material submitted by applicant to this office that his advanced degrees were awarded not by the respective colleges of pharmacy but rather by the graduate schools which are separate and distinct entities. ACPE states that it has not heretofore and does not now accredit graduate schools. In my judgment this distinction is critical in light of the specific language of the statute. I cannot but conclude therefore that degrees awarded by these graduate schools do not satisfy the requirements of K.S.A. 1977 Supp. 65-1631.

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I am also urged by applicant to follow a 1971 opinion issued by the Attorney General for Pennsylvania which addresses *inter alia* a similar issue involving statutory language much the same as found in K.S.A. 1977 Supp. 65-1631. That opinion essentially held that the Pennsylvania Board of Pharmacy where confronted with an applicant whose pharmacy degree had been awarded by a foreign school of pharmacy not accredited by ACPE could make its own independent determination whether the foreign school or college met the accreditation standards of the ACPE. The rationale for this conclusion appears to pivot upon Attorney General Creamer's doubts regarding the possible impropriety of that delegation of legislative power vis a vis the method of accreditation. That opinion was curiously vague as to what provisions of the statute were considered improper or why. Consequently I cannot subscribe to the position taken therein absent further elaboration or elucidation for the language of K.S.A. 1977 Supp. 65-1631 appears in my judgment a sound delegation of police power carrying reasonably clear standards by which the Board may carry out its functions, and nothing therein appears to authorize the Board to supply its judgment regarding accreditation status in the absence of the same by ACPE.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

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