

**PHARMACY BOARD[657]**

**Adopted and Filed**

**Rule making related to licensing regulation, veterans and military spouses**

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

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in 2022 Iowa Acts, Senate File 2383.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

*Purpose and Summary*

These amendments implement the licensure-related provisions of 2022 Iowa Acts, Senate File 2383, revising the requirements and parameters of licensure for veterans and active duty military spouses.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 8, 2023, as **ARC 6944C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Board on May 2, 2023.

*Fiscal Impact*

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

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs can be determined because the Board’s current license transfer process provides an opportunity for a temporary license in accordance with Senate File 2383.

*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.

*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).

*Effective Date*

This rule making will become effective on July 5, 2023.

The following rule-making action is adopted:

ITEM 1. Adopt the following **new** definition of “Spouse” in rule **657—33.1(272C)**:

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

ITEM 2. Amend rule 657—33.3(272C) as follows:

**657—33.3(272C) Veteran and 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 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. 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)** No change.

**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 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 scope of practice in the jurisdiction where the veteran or spouse is licensed or registered are substantially equivalent to the requirements for licensure or registration scope of practice in Iowa. ~~The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate 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 applicant is licensed or registered in another jurisdiction whose licensure or registration requirements are scope of practice is substantially equivalent to those required the scope of practice 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 temporary 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 scope of practice is not substantially equivalent to those required the scope of practice in Iowa, the board shall promptly inform the applicant of the additional experience, education, or examinations training 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 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. The board may issue a provisional temporary 90-day license in order for a pharmacist who has applied for license transfer pursuant to rule 657—2.9(147,155A) to take and pass the multistate pharmacy jurisprudence examination (MPJE), Iowa Edition.

b. If additional experience or education or training is required in order for the applicant’s qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional temporary license or registration for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare, and safety of the public unless the

board determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a ~~provisional~~ temporary license or registration is granted.

c. If a request for a ~~provisional~~ temporary license or registration is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional~~ temporary license or registration.

d. If a ~~provisional~~ temporary license or registration is issued, the application for full licensure or registration shall be placed in pending status until the necessary ~~experience~~ or education or training has been successfully completed or the ~~provisional~~ temporary license or registration expires, whichever occurs first. The board may extend a ~~provisional~~ temporary license or registration on a case-by-case basis for good cause.

ITEM 3. Amend rule 657—33.4(272C) as follows:

**657—33.4(272C) Request for contested case.** A military service applicant, ~~or a veteran, or a 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 transfer, a request for a registration, or a request for ~~provisional~~ temporary license or registration, or is aggrieved by the terms under which a ~~provisional~~ temporary 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 35.30(1). There shall be no fees or costs assessed against the military service applicant, ~~or veteran, or spouse~~ in connection with a contested case conducted pursuant to this chapter.

[Filed 5/4/23, effective 7/5/23]

[Published 5/31/23]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 5/31/23.