

NORTH CAROLINA BOARD OF PHARMACY

PHARMACY INTERN WAIVER

BACKGROUND AND EXPLANATION:

On March 10, 2020, the Governor declared a State of Emergency to respond to the COVID-19 pandemic. On March 27, 2020, the Governor issued Executive Order No. 121 containing a statewide Stay at Home Order, which closed “non-essential” businesses and severely restricted operations of other essential businesses. Other states adopted similar orders and laws. As of the date of this waiver, Executive Order No. 141 still restricts the number of people who may be in a business or other location. Other states still have in place similar orders and laws.

These past and present limitations have affected the number of 2020 pharmacy school graduates who can promptly take the North American Pharmacist Licensure Examination (the “NAPLEX”) and the Multistate Pharmacy Jurisprudence Examination (the “MPJE”). NAPLEX is the statutorily required test of fundamental clinical competency for pharmacist licensure in North Carolina – indeed, in all states and United States territories. The MPJE is the statutorily required test for fundamental regulatory competency for pharmacist licensure in North Carolina and in nearly all states and United States territories. The NAPLEX is exclusively administered in Pearson VUE testing centers. The MPJE is primarily, but not exclusively, administered in Pearson VUE testing centers. Many testing centers have reduced capacity due to social distancing guidelines and are expected to have reduced capacity for some time.

Board rules define a “pharmacy intern” as “any person . . . enrolled in approved academic internship programs.” 21 NCAC 46.1317(29). Moreover, the North Carolina Pharmacy Practice Act specifies that “pharmacy students who are enrolled in a school of pharmacy” are not required to register as pharmacy technicians when engaging in acts that would constitute the practice of pharmacy. G.S. § 90-85.15A(e). A pharmacy intern “working under a pharmacist preceptor or a supervising pharmacist may, while under supervision, perform all acts constituting the practice of pharmacy.” 21 NCAC 46.1317(29).

SCOPE OF WAIVER

Pursuant to its authority under G.S. § 90-85.25 to waive requirements of the Pharmacy Practice Act during a declared state of emergency to permit the provision of drugs, devices, and professional services to the public, the Board hereby:

(1) Waives the language of 21 NCAC 47.1317(2) limiting pharmacy interns to those “enrolled in approved academic internship programs” and the language of G.S. § 90-85.15A(e) limiting the technician registration exception to “students who are enrolled in a school of pharmacy” under the following conditions:

- (a) The pharmacy intern graduated from an ACPE-approved school of pharmacy on or after January 1, 2020.

(b) The pharmacy intern has completed an application for licensure to practice pharmacy in North Carolina, paid the licensure fee, and met all requirements for licensure other than taking and passing the NAPLEX and the MPJE.

(c) This waiver does not apply to any person who has had an application for North Carolina license to practice pharmacy rejected by the Board or who is the subject of a disciplinary action by the Board.

(d) Any person meeting the criteria specified in this waiver may continue to serve as a pharmacy intern until 11:59 pm on December 31, 2020 unless the Board extends this deadline by subsequent order.

(2) Clarifies that a pharmacy intern meeting these criteria is “under supervision” if a North Carolina licensed pharmacist is physically located within the same facility as the pharmacy intern while the pharmacy intern is performing acts constituting the practice of pharmacy; the supervising pharmacist is available for consultation with the pharmacy intern at all times; and the supervising pharmacist accepts responsibility for reasonably ensuring the pharmacy intern’s compliance with all laws, rules, and standards of care governing the practice of pharmacy by the intern.

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This waiver and clarification promotes the public health, safety, and welfare during the State of Emergency by ensuring that 2020 pharmacy school graduates are able to staff North Carolina pharmacies as pharmacy interns performing all acts constituting the practice of pharmacy while completing the licensure process.