Variance and Policy Reviews

**Alsamman, Mohammad Louai**

*Background Information*

Mr. Alsamman is requesting a variance to MN Rules 6800.1250, subp. 1b, which requires graduates of foreign pharmacy schools to be certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC) before they are allowed to sit for the NAPLEX and MPJE. He is a Syrian refugee who graduated from a college of pharmacy in Damascus, Syria in 1995. He worked as a pharmacist in Syria and in Kuwait until he relocated to the United States in April, 2017.

His case previously came before the Board in November, 2017 – at which time he had not applied to participate in the FPGEC program because he thought that his application would be denied (because he couldn’t have a copy of his pharmacist license submitted in a sealed envelope by Syrian authorities). The Board denied his request because NABP had notified staff that Mr. Alsamman might be allowed to participate in the FPGEC program if he submitted additional documentation.

The Board’s Executive Director received an e-mail from Mr. Alsamman on January 31, 2019, in which he stated he had been approved for participation in the FPGEC program. The Board reviewed his request again at its March 27, 2019 meeting. At that meeting, Mr. Bialke moved to approve the variance request with the condition that Mr. Alsamman complete the FPGEC before being allowed to take the required licensing exams. Mr. Nahas seconded the motion. The motion passed unanimously.

Mr. Alsamman contacted the Executive Director in November 2020, requesting that he be allowed to take the NAPLEX without completing the FPGEC certification process. He has passed the FPGEE examination but has not passed the TOEFL (Test of English as a Foreign language).

This case is somewhat similar to a case that came before the Board in early 2015. Ms. Razan Alsibai was a foreign pharmacy graduate who asked that the Board allow her to become licensed as a pharmacist in the state of Minnesota without being certified by the (FPGEC). Ms. Alsibai also requested a variance to MN Rules 6800.1250, subp. 1b. She is from Homs, Syria and started pharmacy school in Syria. However, in her request she stated that, due to the civil war in that country, she fled to Jordan with her family. She was able to continue her education and graduated from the Al-Ahliyya Amman University, with a five-year, Bachelor Degree in Pharmacy.

Feeling that it was too dangerous to return to Syria, Ms. Alsibai sought registration and licensure in Jordan. She further stated that although she was able to obtain such registration,
she was not allowed to work as a pharmacist in Jordan because she was not a citizen of that country. Ms. Alsibai told the Board that she is registered with the United Nations as an asylum seeker. Her sister and brother-in-law live in Minnesota and encouraged her to consider the United States as a good and safe place to work. Ms. Alsibai stated that her sister contacted the National Association of Boards of Pharmacy and was told that “exceptions were made for Iraqi and Syrian pharmacists”, considering the wars in those countries. However, when Ms. Alsibai applied to the NABP to complete the Foreign Pharmacy Graduate Equivalency Commission certification process, her application was denied. She believes that the application was denied because she doesn’t have a license in Jordan or Syria.

The Executive Director contacted the NABP about Ms. Alsibai’s case and received this response from the NABP Manager of the FPGEC program:

“Your inquiry has been forwarded to me to respond. We have reviewed Ms. Alsibai’s application and supporting documentation determining that she is unable to meet the requirements pertaining to licensure and/or registration for eligibility for the program.

The Foreign Pharmacy Graduate Examination Committee™ (FPGEC®) offers an alternative to those candidates who are unable to obtain licensure and/or registration in the country or jurisdiction where their degree is obtained and who meet the following criteria:

1. At the time of graduation the candidate could not obtain licensure and/or registration in the country or jurisdiction in which their degree was obtained because they were not a citizen; and
2. The candidate can provide official proof of pharmacist licensure and/or registration in another country or jurisdiction.

As this pertains to Ms. Alsibai, we have received the appropriate documentation from the Ministry of Health of Jordan indicating that she is unable to be licensed because she is not a citizen. She is unable to provide documentation of holding a license and/or registration to practice pharmacy in another country other than Jordan.

Ms. Alsibai is in the US on a visitor’s visa; however, she has indicated that she has applied for Refugee status. Until such time as she is officially granted refugee status here, we do not have an alternate pathway for Ms. Alsibai to qualify for the FPGEC Certification Program. She has requested that we waive the requirements in order for her to take the Foreign Pharmacy Graduate Equivalency Examination® (FPGEE®). Regrettably we are unable to do so.”

NABP later clarified that there is an alternative pathway to licensure for refugees – but only after they have been officially granted refugee status.
The Board approved Ms. Alsibai’s variance request on condition that she have her preceptor submit a report concerning her performance to the Board, on a quarterly basis. She was also allowed to register as an intern without supplying a social security number. Ms. Alsibai successfully completed her internship and passed both the MPJE and NAPLEX on her first attempts. She was licensed as a pharmacist in January, 2019. So, the Board did allow Ms. Alsibai to be licensed as a pharmacist, even though she did not complete the FPGEC process.

Abdelhamad, Ala Khalid

Dr. Abdelhamad is requesting a variance to MN Rules 6800.1250, subp. 1b, which requires graduates of foreign pharmacy schools to be certified by the Foreign Pharmacy Graduate Examination Committee (FPGEC) before they are allowed to register as an intern. Her request is similar to the request that Mr. Alsamman originally made to the Board. One difference is that Mr. Alsamman was a refugee at the time he made his request, while Dr. Abdelhamad is a United States citizen.

Dr. Abdelhamad graduated from the University of Karachi in 2010 with a Pharm.D and with a M.S. in Pharmacology (Clinical Pharmacy Specialization) from the University of Medical Sciences and Technology in Khartoum, Sudan. She enrolled in the FPGEC program and passed the FPGEE exam – but has not passed the TOEFL. On December 8, 2020 she sent the following in an e-mail to the Executive Director:

“I am writing to request your consideration for approval of the registration for the pharmacy internship. I realize that this request is very unusual, but due to the unprecedented circumstances of this year 2020 I feel compelled to write to you.

As a pharmacist in Sudan, when I moved to the United States in March 2016, I immediately began to take steps to meet all of the pharmacy license requirements of this great country. With my master’s and PharmD already under my belt, I passed the FPGEE exam in April 2016. I worked as a certified pharmacy technician at Walgreen’s pharmacy in Bloomington, MN, but after I passed the PTCB exam.

For many reasons, obtaining the required TOEFL scores in 2020 proved challenging. First, due to the COVID-19 pandemic, many test centers were closed. These closures severely limited my opportunities to take the test. The one test center that had availability for appointments was also the same test center where I had experienced numerous technical difficulties. On three separate occasions, I had technical problems at this center located in Bloomington. These technical issues, including a mouse that didn’t work and a computer that froze many times, negatively impacted my test performance. I made formal complaints to ETS and waited for their response, which usually took up to 3-4 weeks. Upon their determination that my technical difficulties were valid, ETS issued vouchers for me to retake the exam. This only resulted in more technical issues at the very same test center. This was frustrating. To date, my official My Best TOEFL scores from all valid test dates from 2018-2020 are R23 L26 S25 W22. Total of 96. Although I got 27 Speaking and 24 Writing, the ETS had erased them from the system because I had them more than 2 years ago. These results are very close to meeting the requirements and I am sure had it not been for the numerous technical difficulties encountered at the northland Prometric Bloomington test center.
exacerbated by the current situation of the pandemic and the necessity of overseeing the online distance-learning of my son, I would have had ample opportunity to obtain the necessary scores.

As a professional in pharmacy, I keep up-to-date on the latest advances with my continuing education, earning credit hours. I plan to take the BPS and apply for residency in 2021. It is very important for me to continually evolve as a pharmacist and to up-level my knowledge and skillset despite the fact that I am not currently working as a pharmacist. I strongly believe it is my responsibility to stay current and I take this very seriously.

I yearn to make a difference in pharmacy and participate now more than ever because of the special situation of the pandemic. . . . . . I would like to join my colleagues at the front lines of this pandemic to help in any way I can. It is terribly difficult to stand by and watch when I could be contributing to the effort of stopping this pandemic and preventing needless deaths.

I have heard from my pharmacist colleagues employed throughout the United States that some states will temporarily suspend the TOEFL score requirement to allow registration for the internship. Given my experience, credentials, and strong desire to apply my skills as a pharmacist during this pandemic, I wanted to inquire about this possibility. It would mean a great deal to me to be able to continue on my professional career path and lend my skills wherever needed. Thus, I humbly request an allowance for my registration for the pharmacy internship. I greatly appreciate your time and consideration in this matter. I look forward to hearing from you soon.”

**Analysis for Both Requests**

Minn. Stats. §151.10, subd. 1 states (emphasis added):

Subdivision 1. **Graduates of schools in good standing.** To be entitled to examination by the board as a pharmacist the applicant shall be of good moral character, at least 18 years of age, and shall be a graduate of the College of Pharmacy of the University of Minnesota or of a college or school of pharmacy in good standing of which the board shall be the judge and shall have completed internship requirements as prescribed by the board.

Minn. Stats. §151.10, subd. 2 states (emphasis added):

“Subd. 2. **Graduates of schools outside the United States.** An applicant who is a graduate of a school or college of pharmacy located outside the United States, when that school or college of pharmacy has not been recognized by the board as a school in good standing, may be entitled to examination for licensure by the board if the applicant is of good moral character, at least 18 years of age, has completed the internship requirements prescribed by the board, has provided verification of the applicant's academic record and graduation, and has successfully passed examinations approved by the board to establish proficiency in English and
Minnesota Rules 6800.1250, subpart 1b requires, among other things, that a graduate of a foreign college or school of pharmacy “pass the Foreign Pharmacy Graduate Equivalency Examination and become certified by the Foreign Pharmacy Graduate Equivalency Commission (FPGEC), including demonstrating proficiency in the English language by passing the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English, or the TOEFL Internet-based Test.”

If the Board does not recognize the Universities from which Mr. Alsamman and Dr. Abdelhamad graduated as schools in good standing, then they would, per statutes, have to successfully pass “examinations approved by the board to establish proficiency in English and equivalency of education with graduates of schools or colleges of pharmacy which the board has determined to be in good standing.” The Board has approved the examinations administered through the FPGEC process for these purposes, since those exams do establish proficiency in English and equivalency of education. Although there may be other examinations that can establish proficiency in English, the Executive Director is aware of no other examination that can establish equivalency of education.

The Board approved the variance request for Ms. Alsibai because her application for the FPGEC program had been denied – but NABP indicated that once she was granted formal refugee status, there would be an alternative pathway for her to participate in the FPGEC process. However, Mr. Alsamman and Dr. Abdelhamad have been admitted into the FPGEC program.