

OF THE Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

BOARD OF REGISTRATION IN PHARMACY

FOR THE

Year ending November 30, 1990

OFFICE OF COMMISSIONER

DEPARTMENT OF HEALTH SERVICES AND HOSPITALS



1990:35

PRINTED BY THE COMMONWEALTH OF MASSACHUSETTS
IN AUGUST 1991

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DIVISION OF REGISTRATION

Mass.; DEPARTMENT OF CIVIL SERVICE AND REGISTRATION; *Division*
of registration.



BOSTON

WRIGHT & POTTER PRINTING CO., STATE PRINTERS
32 DERNE STREET

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STATE HOUSE, BOSTON

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TO
ATTORNEY GENERAL

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The Commonwealth of Massachusetts

DEPARTMENT OF CIVIL SERVICE AND REGISTRATION,
STATE HOUSE, BOSTON, Jan. 13, 1921.

To the Honorable Senate and House of Representatives.

GENTLEMEN:—The Director of Registration in the Department of Civil Service and Registration, Division of Registration, submits herewith the report of the Board of Registration in Pharmacy, which report is to be published separately from the general report of the Director of Registration.

Respectfully,

WILLIAM S. BRIRY,

Director of Registration.

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NAMES OF BOARD AND OFFICERS.

PERCY N. HALL, *President.*

LEON C. ELLIS, *Secretary.*

JOHN F. HAYES.

FREDERICK W. ARCHER.

CARLTON B. WHEELER.

Agent — ARTHUR W. SCOTT.

The Commonwealth of Massachusetts

REPORT.

TO HON. WILLIAM S. BRURY, *Director of Registration, Department of Civil Service and Registration.*

SIR: — In compliance with statute, the Board of Registration in Pharmacy has the honor to submit this its thirty-fifth report as to its official acts and the condition of pharmacy in the Commonwealth.

The drug business has been marked with prosperity during the greater part of the year, but closes with a somewhat dull season.

There has been an increase of 32 stores since the last report, the total number now being 1,689. The stores opened during the year have been largely owned by corporations which, in some cases, were composed wholly of stockholders who were not registered pharmacists. According to the ruling of the Supreme Court in 1914, however, these stores were entitled to a permit to operate if placed under the management of a registered pharmacist, the unregistered stockholders not being active in the business.

With the inauguration of prohibition many druggists disputed the necessity of applying to the Board of Registration in Pharmacy for a certificate of fitness or certificate for sixth-class license, and believed they had the right to dispense liquors under their Federal permits. The matter was referred to the Attorney-General, who rendered an opinion reading, in part, as follows: —

That law, Federal or State, which is most severe and which most restricts the liberty of the citizen in regard to liquor, is the law which marks the limit beyond which he may not go without being guilty of an offence. If, however, the State law and the Federal each permit an act, but prescribe different conditions, the act is unlawful unless the citizen complies with the conditions prescribed by each law. I am therefore of the opinion that the so-called Volstead Act does not nullify the provisions of our State law in regard to druggists' licenses.

Only about 40 per cent of the druggists have availed themselves of the right to sell liquors on prescription. Many of these took out their licenses very reluctantly after they had been urged to do so by their neighboring physicians.

The Board has felt that physicians in a few localities were writing too many prescriptions for liquor. The druggists filling the same were called before the Board and instructed that they should not fill such prescriptions where it was evident that the liquor was to be used for beverage purposes. It is believed that the druggists then took the matter up with the physicians in question, as the result has been a reduction in the number of liquor prescriptions written by them.

With but one exception, all court convictions as to violations of the liquor law pertained to the sale of tincture of Jamaica ginger. These cases were brought before the courts upon the charge that the preparation was purchased for the purpose of intoxication and not for medicine. Six druggists, after hearings before the Board relative to these violations, voluntarily agreed to discontinue handling the tincture.

The Federal government issued a treasury ruling on November 16, to become operative in ninety days, classifying tincture of Jamaica ginger made according to the formula given in the United States Pharmacopœia as "an alcoholic preparation fit for use for beverage purposes," to be sold only on prescription, at the same time authorizing a tincture of Jamaica ginger made according to a special formula of the government having double the strength of ginger root. It is presumed that the effect of this ruling will be to lessen the use of the preparation as a beverage.

During the past year the examination for registration in pharmacy has been changed from a basis of three divisions to a basis of six divisions, having equal units of value, as follows: —

1. Dispensing of five prescriptions.
2. Written examination in pharmacy.
3. Written examination in materia medica.
4. Written examination in chemistry.
5. Written examination in pharmaceutical arithmetic.
6. Oral examination including all subjects covered by the written, also posology, toxicology and pharmacy law.

The following method has been adopted for preparing and marking the papers, the questions and prescriptions being the composite work of all members. Each member of the Board is assigned a branch for which he writes the questions, one member additionally selecting the prescriptions to be dispensed. The answer sheets on each subject are corrected by the member who has written the questions. By means of a number system the examiner does not know the name of the candidate whose paper he is marking until the marking of the papers is completed by all members.

With the beginning of the fiscal year this Board was placed in the Department of Civil Service and Registration, Division of Registration, under the provisions of chapter 350, General Acts of 1919. Under this provision certain clerical duties are combined with other Boards, but the functions of the Board remain the same. The director, William S. Briry, a pharmacist and past member of this Board, has co-operated and assisted the Board in its work. In February of this year the office was removed to Room 146, State House, from Rooms 21 and 22 which it had occupied for twenty-five years. The Board has thus been deprived of its examination room; but owing to the continued courtesy of the Massachusetts College of Pharmacy, the candidates have been examined with better equipment in the laboratory and lecture halls of the college.

The Board was privileged to send Mr. Archer and Mr. Wheeler as delegates to the National Association of Boards of Pharmacy at Washington during the week of May 3. These meetings are of great importance in standardizing the examinations of the various States and in bringing about more uniformity in pharmacy laws.

The Board would recommend that the following legislation be enacted:—

1. *An Act to establish the Salaries of the Members.* — By act of the Legislature in the year 1914 the salaries of the members of the Board were established at \$700, with the exception of the secretary, who was to receive an annual salary of \$1,000. Since that year there has been no salary increase, while the cost of living has advanced approximately 103 per cent according to estimates of the United States Bureau of Industries.

Almost in equal ratio the Board's responsibilities and duties have increased in many ways, one of the most important being the inauguration of national prohibition, which placed upon the druggist the exclusive trust of dispensing intoxicating liquors for medicinal purposes. Since that time the Board has kept an especially close supervision over the druggists, and by instruction, reprimand and punishment, where necessary, has been largely instrumental in the successful carrying out of the prohibition regulations. The method of examining students also has been much more comprehensive, and has consequently required more time on the part of the members. The present salary rates are inadequate to properly compensate the members for their work and responsibilities, and the Board therefore recommends a reasonable increase for each member.

2. *Unregistered Stores not to be advertised as Drug Stores.* — With the indorsement of the State Pharmaceutical Association, the Board would again recommend to the Legislature that stores which are not registered with the Board of Registration in Pharmacy be not privileged to advertise as drug stores. Such legislation is necessary for the protection of the public. The druggist is a co-worker with the doctor in the care of the patient, and the public should be entitled to know just where prescriptions can be dispensed by qualified persons. A physician cannot advertise as such unless he is registered in the State of Massachusetts, and this Board believes the same law should apply to the profession of pharmacy.

A summary of the work of the Board and its official receipts and disbursements will follow in the report of the secretary.

Respectfully submitted,

PERCY N. HALL, *President.*

LEON C. ELLIS, *Secretary.*

JOHN F. HAYES.

FREDERICK W. ARCHER.

CARLTON B. WHEELER.

It is with much regret that the Board is obliged to part with its most genial member, Mr. John F. Hayes of Fitchburg. His keen wit throughout his term of membership has filled the work with good cheer. His practical ideas have been most helpful. Mr. Hayes served as president during the years of 1918 and 1919.

PERCY N. HALL, *President.*

LEON C. ELLIS, *Secretary.*

FREDERICK W. ARCHER.

CARLTON B. WHEELER.

SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

EXAMINATIONS.

DATE OF EXAMINATION	Number examined.	Number registered as Pharmacists.	Number registered as Assistants.	Number of Assistants failing to become Pharmacists.	Number found not qualified to receive any Certificate.
1920.					
January 16,	56	13	11	17	15
February 27,	49	3	10	20	16
March 19,	36	5	8	13	10
April 16,	40	2	8	17	13
May 28,	47	12	11	15	9
June 18,	81	13	17	34	17
September 24,	48	6	12	17	13
November 19,	63	17	15	24	7
Totals,	420	71	92	157	100

Of the 71 persons who passed the examinations and were granted certificates of registration in pharmacy—

32 passed on first examination.	3 passed on fifth examination.
16 passed on second examination.	1 passed on seventh examination.
12 passed on third examination.	1 passed on eighth examination.
6 passed on fourth examination.	

Certificates of registration have been granted by reciprocity, as follows:—

4 registered from New Hampshire.	1 registered from Vermont.
1 registered from Colorado.	8 registered from Maine.
3 registered from Connecticut.	

RECEIPTS.

164 fees for first examination at \$5,	\$820 00
248 fees for re-examination at \$3,	744 00
16 fees for reciprocal registration at \$10,	160 00
14 fees for duplicate certificates at \$5,	70 00
42 fees for certified statements at \$1,	42 00
906 fees for liquor certificates at \$5,	4,530 00
1,766 fees for permits to operate drug stores at \$1,	1,766 00
5 fees for 1921 permits to operate at \$5,	25 00
Interest credited on fees deposited in national bank,	6 20
	<hr/>
Total amount of receipts,	\$8,163 20
Deducting fees returned because of applications being canceled, withdrawn or refused,	260 00
	<hr/>
Net receipts paid into the treasury of the Commonwealth,	\$7,903 20

EXPENDITURES.

Salaries of members of the board,	\$3,756 71
Salaries of agent, clerk and office assistants,	3,602 01
Traveling and office expenses,	3,079 26
	<hr/>
	\$10,437 98

Certificates to dispense liquors on prescription have been granted as follows: —

- 90 were granted sixth-class license certificates for the balance of the license year ending May 1, 1920 (from Dec. 1, 1919).
- 69 were granted certificates of fitness for the balance of the license year ending May 1, 1920 (from Dec. 1, 1919).
- 432 were granted sixth-class license certificates for the license year ending May 1, 1921 (to date of report).
- 264 were granted certificates of fitness for the license year ending May 1, 1921 (to date of report).

OBITUARY.

Byron B. Balch, West Springfield.	Israel B. Kronberger, Boston.
Frank E. Berry, Beverly.	Percy A. Leighton, Springfield.
Joseph S. Bixby, Salem.	Charles H. Lemaitre, Ware.
William J. Bullock, New Bedford.	Clarence S. Loomis, Worcester.
Oscar A. Burdett, Worcester.	Adam T. McColgan, Cambridge.
William C. Chamberlain, Lynn.	John W. McDermott, Boston.
Caleb B. Clark, Boston.	Oscar E. Messier, Lawrence.
William H. Connor, Haverhill.	Humphrey V. Minahan, Lawrence.
Wilfred T. Cote, Chicopee Falls.	Frank W. Moore, Fitchburg.
Jerome A. Crane, Boston.	John F. Payne, Newton.
Joseph A. Denis, Worcester.	Harry Quennell, Somerville.
Charles H. Gaffney, Cambridge.	George S. Russell, Easthampton.
Charles J. Gallagher, Lowell.	William Sweet, Jamaica Plain.
George W. Goodell, Peabody.	Edwin Traver, Boston.
Henry C. Goodwin, Malden.	Leslie O. Wallace, Somerville.
Frank B. Howard, Dalton.	Thomas J. Walker, Edgartown.
Edward H. Howe, Gloucester.	Herman N. Weinstein, Boston.
James T. Jones, Boston.	Charles A. West, Boston.

SUMMARY.

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Number of drug store permits suspended for ninety days,	1
Number of drug store permits suspended for thirty days,	1
Number of permits refused but later granted under satisfactory conditions,	4
Number of certificates to dispense intoxicating liquors on prescription suspended,	6
Number of certificates to dispense intoxicating liquors on prescriptions revoked,	2
Number of certificates to dispense intoxicating liquors on prescription refused and not granted at any later date,	17
Number of druggists, after hearing, voluntarily agreeing to eliminate the sale of tincture of Jamaica ginger,	6

Respectfully submitted,

LEON C. ELLIS,

Secretary.