

EDUCATION IN PHARMACY AND LAW *

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Introduction

In recent years the law has begun to have a great impact on the profession of pharmacy. As late as the middle of the first decade of this century there was no federal statute addressing the purity or safety of medicinals. In 1906 the Federal Food and Drug Act¹ was enacted to be followed by enactment of the Harrison Narcotic Act² in 1914. Yet, even with these statutes, there remained very limited statutory restrictions on the dispensing of non-narcotic, non-poisonous drugs by pharmacists. For the most part dispensing of drugs fell outside the scope of these two statutes and was left to the discretionary professional judgment of the pharmacist.

In 1938 the Federal Food, Drug, and Cosmetic Act³ was enacted; the Food and Drug Administration interpreted it to mean that those drugs covered by the Act could only be dispensed pursuant to the prescription of an authorized prescriber. Moreover, the prescription was deemed to be non-refillable.

At least one pharmacist did not attempt to adhere to the FDA's interpretation, resulting in the 1948 decision of *U. S. v. Sullivan*⁴ which supported the agency's view. Organized pharmacy then worked to have the Act amended to make it more workable, resulting in the Durham-Humphrey Amendment of 1954.⁵ This changed the prevailing interpretation through an amendment specifically permitting refill of prescriptions for drugs covered by the Act when explicitly authorized by the prescriber.

From that time forward there has been a substantial increase in governmental attempts to regulate drug quality and safety, as well as to reduce drug availability to illegitimate users. Some of the many federal enactments affecting the pharmacist and pharmacy are the Kefauver-Harris Amendments of 1962⁶ (relating to drug efficacy); Drug Abuse Control Amendments of 1965,⁷ which were supplanted by the Comprehensive Drug Abuse Prevention and Control Act of 1970;⁸ and the Poison Prevention Packaging Act.⁹ Many state legislatures have also enacted legislation similar to that passed by the Congress. With the increased impact of these statutes and the regulations promulgated to carry out their intent, pharmacists have become increasingly aware of the importance of knowledge of legal precepts in their daily practice. Moreover, with the advent of third-party prescription plans, the influence of the law comes into even clearer focus in the pharmacist's mind. For example, the federal antitrust laws prevent concertive bargaining between pharmacists and third-party carriers concerning fee reimbursement levels.

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EDUCATION OF THE PHARMACIST

There are seventy-four colleges of pharmacy accredited by the American Council on Pharmaceutical Education; most of them offer as the basic baccalaureate degree the Bachelor of Science in Pharmacy. Requiring five years for completion, the pharmacy curriculum may be usually divided into a pre-professional period of two years duration followed by three professional years.

In the pre-professional year the student gains knowledge in the physical and biological sciences as well as general liberal arts courses such as English, economics, sociology, and psychology. The professional years require such courses as microbiology, anatomy and physiology, biochemistry, pharmacy and therapeutics, pharmacology, and clinical pharmacy, as well as professional electives. Additionally, completion of a course in the law of pharmacy is required during the professional years.

Ten colleges of pharmacy now also offer a program leading to the degree Doctor of Pharmacy. At some schools this is the only degree program in pharmacy requiring six years for completion. At others the student seeking the professional doctorate must complete one to two years of work in addition to that done for the bachelors degree, depending on previous academic work and experience. Students completing the Pharm.D. program are more highly trained in therapeutics and clinical pharmacology in order to function as drug information and therapeutic consultants to physicians and patients.

PURPOSE OF STUDY

Due to the increasing influence of government over pharmacy practice and other factors of a legal nature, a number of pharmacy school graduates have continued on to law school to better work in the interface of the two professions.

In the past, various estimates of the number of pharmacist-lawyers have been made but most have been based on personal estimates with no attempt made to identify these professional hybrids and inquire about them. Estimates have ranged from a low of 75-150¹⁰ to as high as 400-500.¹¹ In the only study found in the literature, Professor William Curran of the Harvard School of Public Health, reported 141 persons with degrees in pharmacy and law.¹²

The study reported here was undertaken to locate as many pharmacist-lawyers as possible, to yield a profile of the group, to note their work activities, and to investigate interest in both professions.

METHODOLOGY

To collect names and addresses of pharmacist-lawyers, letters were sent during the summer of 1971 to 52 state pharmacy association executives, 48 state board secretaries and 73 faculty members, usually in pharmacy administration, one at each college of pharmacy. Returns were received from 73% of the board secretaries, 73% of the association executives and 53% of the faculty members. For purposes of this survey, a pharmacist-lawyer was defined as one who has graduated from a school of law as well as a

school of pharmacy. Licensure as a pharmacist or admission to the bar was not required to be considered a pharmacist-lawyer. The resulting address list served as the starting point for the survey.

A questionnaire was sent to each person believed to be a pharmacist-lawyer with a cover letter explaining the purpose of the survey with a postage-paid reply envelope. Those responding were asked to list other pharmacist-lawyers so that the address list was constantly expanding. As a further method, a letter to the editor was published in *Pharmacy Times* requesting information on the location of members of the cross-professional group.

The questionnaire included questions on age, schools of pharmacy and law, and years of graduation, degrees held other than pharmacy and law, location of pharmacy licensure and bar admission, primary work activity and professional memberships. Further, questions were included on factors influencing the respondents to enter law school as well as the most pressing problems facing pharmacy and the law.

RESULTS

A total of 216 questionnaires were mailed to persons reported to be pharmacist-lawyers and 38 were mailed to students at accredited law schools reported to be pharmacy graduates. The return rate for pharmacist-lawyers was 134, or 62%, while that for pharmacist-law students was 26, or 68%, yielding an over-all return rate of 63%. Although the 134 were confirmed by their responses to be graduates of both pharmacy and law schools, the total number of pharmacist-lawyers is estimated at 175 to 200 due to the number of persons reported and known to be dual graduates who did not complete the questionnaire. Moreover, there are probably a number who were not located by the method used here.

Pharmacist-lawyers were found in 37 states and the District of Columbia, with the greatest number located in New York. Table I indicates the number of pharmacist-lawyers and law students found in each state.

Sixty-four percent of those responding in the pharmacist-lawyer group were under age 40, indicating that the group is relatively young. As would be expected, 88% of those attending law school were under age 30. However, it is noteworthy that 12% of those currently attending law school are over 30. Of special interest is an 81-year-old judge in Montana who became a pharmacist by apprenticeship and a lawyer through self-instruction and clerkship.

Among the 134 lawyers responding, 51 colleges of pharmacy, or slightly over $\frac{2}{3}$ of the colleges in the continental United States were represented with two other colleges no longer in existence also represented. With comparable diversification, the 26 pharmacists currently attending law school represent 19 different colleges of pharmacy.

Consistent with the relative youth of the group, the data indicated that nearly 40% of the lawyers graduated from pharmacy school during 1961 or later and nearly 75% graduated in pharmacy during the 50's or later. Since law school requires three or four years depending on whether study is full-time or part-time, by tabulating the instances in which pharmacy graduation preceded law graduation by more than four years, we can approximate what proportion of the respondents did not go directly to law school. One person completed his law degree thirty-six years after he fin-

ished pharmacy. For the students, 40% did not go directly to law school, indicating an increase in the tendency to enter law school directly from pharmacy school. One current student will see twenty-one years pass between his pharmacy and law graduations.

Diversity is seen in the law schools attended; 75 law schools were represented by the responding graduates while 20 are attended by the 26 students. There were a number of law schools which had graduated more than one pharmacist-lawyer, but the schools with the greatest numbers were: Georgetown University (7); University of Maryland (6); SUNY-Buffalo (6); and the University of Wisconsin (4). Data concerning year of graduation from law school indicates that increased interest in law began in the mid-fifties and increased greatly by the mid-sixties, 85% of the pharmacist-lawyers responding having received their law degrees after 1956. Of interest is one respondent who entered pharmacy after attending law school, graduating in pharmacy sixteen years after finishing law. He remarked that he did so because he was "running my father's pharmacy after World War II and decided to practice pharmacy rather than law." His was the only instance where law study preceded that of pharmacy.

Nineteen (14%) of the pharmacist-lawyers hold degrees other than their basic degree in pharmacy (B.S. or Pharm.D.) or law (LL.B. or J.D.) but four of the nineteen earned an advanced degree in law (LL.M.) as their other degree. Eight, or nearly thirty-one percent of the current students hold degrees other than their basic pharmacy degree. Four in the lawyer group hold Ph.D.'s while two law students do. Table II lists these degrees.

Nearly all respondents hold pharmacy licenses, probably as security; only one lawyer and one law student do not hold pharmacy licenses. However, 7% of the law school graduates have not been admitted to the practice of law.

Table III presents a breakdown of the chosen work of those responding. Eight possible answers were presented based on the career opportunities outlined by Steeves¹¹ and Woods¹⁰: practice of pharmacy, practice of law, pharmacy association work, work in the pharmaceutical industry or government service, teaching in a school of pharmacy or law, or other activities.

Nearly 53% of the graduates practice law while 11% engage in pharmacy practice and 8% are in government service, a distant second and third. Seven percent are in other fields while six percent are in pharmacy association work, six percent in the pharmaceutical industry and six percent are teaching in schools of pharmacy. A smaller portion (42%) of the students said they intended to practice law and 23% said they would practice pharmacy. This variation may be due to misinterpretation of the question by the students in that some appeared to state present activity rather than the prospective response sought. In addition to the categories listed above, the following occupations were present among the law graduates: two judges, three pharmacy chain executives, one bank president, one hospital administrator, one businessman, one state legislator, and one attorney for a health insurance plan. Twenty-six of the 71 who practice law as their primary activity indicated that they practice some pharmacy as well.

Eight of those graduates responding indicated that they do part-time teaching in a pharmacy school although it is not their primary activity. This represents six percent of the law graduates which contrasts with slightly over eleven percent of the physician-lawyers who teach on a part-time basis.¹³ As

of December, 1972, there were 42 persons with law degrees teaching in colleges of pharmacy,¹⁴ most on a part-time basis, but it cannot be determined how many also hold degrees in pharmacy. Since the return rate for the faculty members was only 53% it is expected that there may be other dual-degree holders in pharmacy academia who have not been included.

The number of memberships in professional organizations was tabulated to indicate professional ties. Membership in bar associations was higher than in pharmacy organizations for the law graduates but the opposite was true for the students. The interest in pharmacy organizations appears to be inversely related to the amount of time the respondent has been out of pharmacy school, since the law students are more recent pharmacy graduates. However, the 46% membership level for lawyers in the American Pharmaceutical Association and 39% for lawyers in state pharmacy associations is in line with the fact that 45% of the law graduates do not practice law as a primary activity. Therefore, those not practicing law probably have that greater interest in pharmacy which leads to pharmacy memberships. Despite the response that 42% of the students intend to practice law upon graduation, only 31% hold student membership in the American Bar Association which requires a very nominal membership fee.

Of 134 pharmacist-lawyers responding, 4% were women. A higher percentage was seen with the students, 12% women. Both of these figures are higher than the national figure of 3% of the attorneys in the nation being women,¹⁵ but the proportion of women holding the M.D.-J.D. combination (4%) is very close to that for women pharmacist-lawyers.⁹

Factors influencing these pharmacy graduates to enter law school are listed in Table IV. The law graduates listed interest in law most frequently with lack of stimulation in pharmacy second, and desire to work for pharmacy in an administrative or legislative capacity third. The students ranked lack of intellectual stimulation first above job flexibility with lack of professionalism in pharmacy coming in third. Although no student listed interest in law as a reason for entering law school, it can be assumed to be present. This lack of mention can best be explained by noting that the question was open-ended without a list of possible responses.

In Table V are compiled the responses to the question, "What do you see as the most pressing problem facing pharmacy?" Both groups placed greatest importance on the merchant versus professional image of pharmacists. Governmental regulation, organizational unity, and developing the health care team received equal percentages from the lawyers. The law students placed organizational unity and second and governmental regulation third.

DISCUSSION

Although 134 pharmacist-lawyers and 26 pharmacist-law students were located for this survey, the total number is likely to be close to 200. Curran attributes the large size of this group to the fact that "pharmacy is usually an undergraduate college-level degree while all of the other health-science degrees are at the masters or doctoral levels."¹⁶ While this is true to some extent, it must be considered in light of the findings here that 14% of the law graduates and 31% of the students hold degrees other than their basic degree in pharmacy or law.

The advantages of being a dual professional have been much touted. One author, speaking of the physician-lawyer, said that he "possesses

several distinct advantages over individuals trained in only law or medicine. The dually-trained individual is aware of many more facets of the problem that confronts his patient-client" . . . and "he is prepared to analyze a problem in greater depth and with a dual viewpoint."¹⁷

Shein, in a recent legal article, identified an area in which the dual expertise of the pharmacist-lawyer could be of great value—that of a civil action for damages against a drug manufacturer.¹⁸ Stating that the first obstacle in such a case is to determine whether the drug caused or contributed to the injury alleged, he suggests contacting a pharmacist for a copy of the package insert and for comments concerning his experience with the drug involved. Adding further emphasis to the utility of a pharmacy background for such work is an advertisement for the 1973 Physicians' Desk Reference in *Case and Comment*, a journal primarily for personal injury attorneys.¹⁹

Other areas of practice for which the pharmacist-lawyer would seem to be well-suited include practice of food and drug law, patent law and legal practice dealing with drug abuse, and other medico-legal matters.

In 1965, Woods¹⁰ remarked that there is a "greater demand for the combination of law-medicine or law-engineering than there is for the law-pharmacy background," and this was supported by a number of responses in this survey. One student who had written to several large pharmaceutical manufacturers for employment information received the response, "Our legal department has a slow turnover and we prefer attorneys with experience in a firm." Further, one attorney who graduated in the mid-fifties reported that he had been told "by the Dean of Pharmacy that pharmaceutical manufacturers were immensely interested in someone trained in law. I anticipated working into administrative or executive responsibilities with a drug manufacturer. When I was graduated and contacted the manufacturers, only two were even remotely interested and the salary was no more than working as a community pharmacist." Opportunities for the pharmacist-lawyer in the pharmaceutical industry appear to be limited.

Professor Curran also found disillusionment among physicians coming out of law school. Two-thirds of those in his study continued in the practice of medicine.²⁰

As Steeves has emphasized, law graduates frequently start at a lower salary than a pharmacist and this may be a draw-back. However, starting legal salaries are rising and over the long term the attorney may make more than the pharmacist, depending upon his reputation and professional standing. Moreover, one with a degree in pharmacy may wish to seek a part-time position while attending law school and could expect to earn substantially more working as a pharmacist than as a law clerk.

CONCLUSION

Evidence from this study seems to indicate that pharmacist-lawyers are a young group and that, although slightly over one-half practice law, many of those are still connected with pharmacy through teaching. Of those who do not practice law, many practice pharmacy or work in government service.

The advantages of dual education in both pharmacy and law are yet to be fully realized. As increasing numbers of pharmacy graduates seek admission to and complete law school, their contributions to both professions can be expected to be significant.

TABLE I

Geographical distribution of pharmacist-lawyers and law students.

State	Pharmacist-lawyers	Pharmacist-law students
Alabama	1	1
Arizona	1	
Arkansas	1	
California	9	2
Colorado	1	
Connecticut	1	
Delaware	3	
District of Columbia	9	
Florida	5	
Idaho	1	
Illinois	7	
Kansas	2	
Kentucky	1	
Louisiana	2	2
Maryland	7	2
Massachusetts	4	1
Michigan	3	1
Minnesota	3	1
Mississippi	3	
Missouri	1	
Montana	2	
Nebraska	1	1
New Jersey	3	1
New Mexico	1	
New York	14	1
North Carolina	1	
Ohio	12	1
Oklahoma	3	1
Oregon	1	
Pennsylvania	5	4
Rhode Island	1	
Tennessee	4	
Texas	7	4
Utah	1	
Virginia	8	1
West Virginia	1	
Wisconsin	3	1
Wyoming	1	
Total	134	26

Note: None were identified in states not listed.

TABLE II

Degrees held other than basic pharmacy or law degree.

Degree	Pharmacist-lawyers Number	Pharmacist-law students Number
B.A. (Bacteriology)	1	
B.A. (Biological Sciences)		1
B.A. (Chemistry)	1	
B.A. (Psychology)		1
B.S. (Chemistry)	2	1
B.S. (Zoology)		1
LL.M.	4	
M.B.A.	2	1
M.S.	5	1
Ph.D.	4	2
Total	19	8

TABLE III

Primary work categories for pharmacist-lawyers and law students.

Activity	Pharmacist-lawyers		Pharmacist-law students	
	Number	Percent	Number	Percent
Practice of pharmacy	15	11	6	23
Practice of law	71	53	11	42
Pharmacy association work	8	6		
Pharmaceutical industry	8	6		
Government service	11	8	2	8
Teaching in pharmacy school	8	6	2	8
Teaching in law school	1	1		
Other	10	7		
No response	2	2	5	19
Total	134	100	26	100

Note: Students were asked to respond with their expectations upon graduation.

TABLE IV

Factors influencing pharmacy graduates' entry to law school.

Factor	Pharmacist-lawyers		Pharmacist-law students	
	Number	Percent	Number	Percent
Interest in law	27	20		
Lack of intellectual stimulation in pharmacy	21	16	7	27
Desire to work for pharmacy in an administrative or legislative capacity	16	12	2	8
Self-improvement	12	9		
Job flexibility	10	7	5	19
Interest in business	8	6		
Economics	6	4	1	4
Lack of professionalism in pharmacy	5	4	4	15
Member of family or friend Faculty member in pharmacy school	4	3	1	4
Desire for something less scientifically oriented	3	2	1	4
Desire to teach law in pharmacy school	1	1	3	12
Desire to change basic institutions in our society	1	1	1	4
Long hours	1	1		
Interest in politics	1	1		
No response	17	12		
Total	134	100	26	100

TABLE V

Primary problem facing pharmacy.

Problem	Pharmacist-lawyers		Pharmacist-law students	
	Number	Percent	Number	Percent
Merchandising versus professionalism	46	34	12	46
Government regulation	15	11	4	15
Organizational unity	15	11	5	19
Developing the health care team	15	11	2	8
Third-party payments	10	7		
Demise of independent pharmacies	6	4		
Better pharmaceutical education	4	3		
Peer review	3	2		
Technicians	2	1		
Economics	1	1		
Too many pharmacists	1	1		
Unenforcement of pharmacy laws	1	1		
Hold-ups	1	1		
Increased respect for hospital pharmacists	1	1		
Failure to communicate with patients	1	1		
Generic prescribing	1	1		
Continuing education	1	1		
Health care delivery			1	4
Lack of intellectual stimulation			1	4
Brand name drug marketing			1	4
No response	10	7		
Total	134	100	26	100

REFERENCES

- 1 34 Stat. 768.
- 2 Former 21 U.S.C. § 4701 et seq.
- 3 21 U.S.C.A. § 321 (1970).
- 4 332 U.S. 689 (1948).
- 5 21 U.S.C.A. § 353(b) (1970).
- 6 76 Stat. 780.
- 7 P.L. 89-74 (July 15, 1965).
- 8 21 U.S.C.A. § 801 (1970).
- 9 P.L. 91-601 (December 30, 1970); 84 Stat. 1670.
- 10 Woods, Career Opportunities as a Pharmacist-Attorney, 4 The Squibb Review for Pharmacy Students No. 1 (Oct. 1965).
- 11 Steeves, Legal Blotter: Pharmacist-Lawyers, NS7 Journal of the American Pharmaceutical Association 145 (1967).

¹² Curran, *Cross-Professional Education in Law and Medicine: The Promise and the Conflict*, 24 J. Legal Ed. 42 (1971).

¹³ Curran, *op. cit.*, p. 46.

¹⁴ American Association of Colleges of Pharmacy, Roster of Teaching Personnel in Colleges of Pharmacy, 1972-73 (Dec. 1972).

¹⁵ Letter from Ms. Ann Collins, American Bar Association Information Service, November 1, 1972.

¹⁶ Curran, *op. cit.*, p. 44.

¹⁷ Carter, *Ethical Considerations of Dual Practice by an Attorney-Physician*, 20 Am. U.L. Rev. 151 (1970).

¹⁸ Shein, *So You Want to Try a Civil Action Against a Drug Company?* 77 Case & Com. 16 (Nov.-Dec. 1972).

¹⁹ *Order Your 1973 PDR Now*, 77 Case & Com. 31 (Sept.-Oct. 1972).

²⁰ Curran, *op. cit.*, p. 72.