

# The advantages of hiring foreign pharmacists for the U.S. pharmaceutical and cosmetics industry

## Case study: the French pharmacist

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France is a nation committed to its medical care and to high professional and ethical standards in the training and specialization of its pharmacists. Historically, the French pharmacist has had a monopoly on the manufacture of medicines and thus has "hands-on" technical and practical knowledge of drug composition and manufacturing processes. Moreover, an increasing number of internationally-minded young professionals recognize the innovative strengths of the U.S. pharmaceutical industry and know-how to be learned by performing internships and engaging in short or even long term employment with U.S. pharmaceutical and cosmetics companies. The hiring of French pharmacists is thus a "win/win" situation for all concerned. The U.S. employer is able to retain a highly operational and motivated employee, whose entry into the United States is facilitated by favorable U.S. immigration law treatment given to foreign pharmacists. Indeed, the French pharmacist's qualifications are acknowledged to satisfy *specialty occupation* criteria, making him/her eligible for H-1B visa status. Furthermore, prior to or during employment in the U.S., the foreign pharmacist may sit for State qualification as a pharmacist in the State where he/she works. For pharmaceutical groups, training of foreign staff, or sharing of processes and know-how may be accomplished in this manner, or by transfer of U.S. pharmacists to France via favorable French immigration regulations.

### **The French pharmacist's education**

A pharmaceutical degree in France requires four years of graduate work, and includes the study of mathematical, physical and chemical sciences, life sciences, public health and environmental science, applied clinical semiology and pathological biology, medication sciences, and training for preparation for hospital duties.

As at least one hundred and twenty hours must be pursued in the study of a foreign language for science related questions, the young French pharmacist is often quite proficient in technical English.

The elective courses during these years of study give the student the opportunity to develop their knowledge in disciplines of their choice. Research positions may be pursued in the framework of these

electives. A beginning internship under the wing of a pharmacist is also mandatory, for a period of two months, full-time.

Thereafter, post graduate work includes a 5<sup>th</sup> year of hospital-university work for purposes of familiarizing the student with medical prescriptions, biological analyses and with therapeutic issues. Thereafter, the student may pursue either a 6<sup>th</sup> year thesis or four years of specialization and presentation of a thesis.

The French general pharmacist's degree prepares the student for serving as a pharmacist in a pharmacy or in wholesale distribution or in industry. In this case, the 6<sup>th</sup> year of study is spent interning at a pharmacy full-time or in an industrial or commercial establishment or a hospital pharmacy. Additional studies are available to students in the form of masters programs (DEA, DESS, DESC).

Of course, potential employees may not necessarily be right out of school, and may have specific qualifications, job experience or expertise that are especially useful to the U.S. employer.

### **H-1B specialty worker status for pharmacists**

Pharmacists right out of school qualify for a category of visa for those individuals in a "specialty occupation" which requires theoretical and practical application of highly specialized knowledge and attainment of at least a bachelor's degree (or the foreign equivalent) and state licensure (if required to practice).

The US employer files an I-129 Form with the Immigration Service. If the foreign pharmacist is not yet in the US, then the overseas consulate is notified and the employee obtains the visa there. If the foreign pharmacist is already in the US, then she/he obtains the visa the next time she/he leaves the country.

For an employer's petition (sponsorship) of an H-1B nonimmigrant to be approved, the pharmacist's credentials must match the needs of the position to be filled within the specialty occupation.

There is an annual limit (cap) on the number of H-1B petitions available to US employers. In October 2003, the cap reverts to 65,000 visas. The annual cap does not apply to H-1B petitions for extension of stay or change of employer. Also certain employers are exempt from the cap such as colleges and universities and non-profit research organizations.

This visa provides an excellent opportunity for both the U.S. employer and the foreign pharmacist. The visa is temporary in nature. Approved H-1 B non-immigrants are initially admitted for a maximum of three years. Extensions of stay may be approved up to a maximum allowable period of 6 years. If the foreign pharmacist wants to be re-admitted as a specialty worker after working in the US for 6 years, the foreign pharmacist must remain outside the US for at least one year and the employer must file a new petition. The work authorization for H-1B foreign specialty workers is employer-specific, i.e. it is limited to an approved employer. However, the annual cap does not affect H-1B beneficiaries who change employers and they may begin to work for the new employer immediately following the filing of the petition. They do not have to wait for the approval.

Dependents and spouses for the H-1B foreign pharmacist may also come to the U.S. in the H-4 classification, but employment is not allowed in this category. The dependents can attend school in H-4 status and they may apply for a change of status to any other category for which they may qualify.

#### ***U.S. qualification for practice as pharmacist***

French and foreign pharmacy graduates may be hired directly under H-1B status for posts in which they will not be practicing pharmacists. However, foreign pharmacy graduates who wish to practice in the U.S. must complete the Foreign Pharmacy Graduate Examination Certification (FPGEC), which provides a method of establishing the educational equivalency of the candidate's foreign pharmacy education. The certification process generally requires successful passing of the North American Pharmacist Licensure Examination (NAPLEX), required in all U.S. jurisdictions except California.

Most states also require a drug law examination, which is a multi-state examination (the Multi-state Pharmacy Jurisprudence Examination (MPJE)) as a condition for licensing. A test of English as a Foreign Language (TOEFL) and a Test of Spoken English (TSE) are also standard requirements.

Thereafter, applicants who receive the FPGEC and

NAPLEX certificate thereafter may be qualified by state boards to take the pharmacy licensing examination. However in some states, only the FPGEC and NAPLEX certificate are required. A few states may approve foreign graduates who are not FPGEC-certified based on their credentials.

For foreign pharmacists who become certified in a State, it is possible to thereafter adjust status from a temporary H-1B visa to permanent residency status.

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