



## ACCREDITATION COUNCIL FOR PHARMACY EDUCATION

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Executive Director

September 20, 2017

Ms Hilary Malawer  
US Department of Education  
400 Maryland Avenue SW, Room 6E231  
Washington, DC 20202

RE: Docket ID: ED-2017-OS-0074 (Evaluation of Existing Regulations)

Ms. Malawer:

The Accreditation Council for Pharmacy Education (ACPE) submits this response to the June 22, 2017, request of the US Department of Education (USDE or Department) for comments for the furtherance of the work of the Department's Regulatory Reform Task Force. This Task Force is charged with evaluating existing regulations and making recommendations to the agency regarding their repeal, replacement, or modification.

ACPE is concerned that USDE staff have over interpreted criteria 602.15(a)(4) and, consequently, seek to impose requirements on accrediting bodies that extend beyond the intention of the regulation. Criteria 602.15(a)(4) states that an agency must demonstrate that it has "educators and practitioners on its evaluation, policy, and decision-making bodies, if the agency accredits programs or single-purpose institutions that prepare students for a specific profession..." Yet, this criteria was cited by the Department staff in its evaluation of ACPE's June 2017 re-recognition review as being compromised because ACPE does not require a Board Member to be recused from the Board's discussions and determination of compliance and term for the program on which the Board Member was an active evaluation team member. ACPE has been continually recognized by USDE since the inception of recognition in 1952 and has always had Board members assigned to staff-led, evaluation site teams, with subsequent ability to discuss and answer questions with the entire Board regarding determination of the compliance and accreditation term of a program. In my 18 year tenure as Executive Director, this is ACPE's fourth application for continued recognition and the first time a concern about 602.15(a)(4) was stated by the USDE staff.

Of note, the USDE's Guidelines for Section 602.15(a)(4) go no further in requiring a separation of functions. It simply sets forth the review elements and sample documentation to demonstrate compliance. The review elements are:

- The composition of the agency's evaluation, policy, and decision-making bodies (including appeals panels) reflect a mix of qualified educators and practitioners appropriate to the agency's recognized scope.

*ACPE is the national agency for the accreditation of professional degree programs in pharmacy and providers of continuing pharmacy education. ACPE also offers evaluation and certification of professional degree programs internationally and with ASHP accredits pharmacy technician education and training programs.*

- The agency's practice and written policies/procedures ensures that both educators and practitioners consistently serve on its evaluation, policy and decision-making bodies.
- The agency's appeals panel contains the required mix of representations appropriate to its recognized scope.

Nowhere in the regulation itself, nor the accompanying guidelines, is it stipulated that a Board Member must be recused from the Board's determination of compliance and setting of term for a program on which that Board Member served as a member of the on-site evaluation team.

The Department staff has cited "commonly accepted practice" as the rationale for its determination of ACPE's non-compliance with 602.15(a)(4), yet no evidence of such a commonly accepted practice is provided. "Commonly accepted practice" is not an acceptable defense in the determination of an accreditor's compliance with the Department's regulations unless it is detailed in the regulation itself.

In its independent review of ACPE's re-recognition dossier, the National Advisory Council for Institutional Quality and Integrity (NACIQI) found ACPE in full compliance with the Department's regulations, recommending a full five-year term with no reporting to the USDE Secretary. The Department's Staff recommendation to the USDE Secretary is a one year term with an expectation that ACPE bring itself into compliance with 602.15(a)(4) on the above described matter. ACPE awaits the Secretary's determination.

ACPE supports the current language of regulation 602.15(a)(4); believes, as does NACIQI, that it is in full compliance with the regulation and its guidelines; and the regulation and guidelines as currently written are adequate and appropriate, requiring no repeal, replacement, or modification.

Yours truly,

A handwritten signature in black ink that reads "Peter H. Vlasses, Pharm.D." The signature is written in a cursive, flowing style.

Peter H. Vlasses, PharmD, DSc(Hon.), FCCP  
Executive Director

cc: J. Gregory Boyer, Ph.D.  
Timothy L. Tucker, Pharm.D.