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TO: DEANS – SCHOOLS AND COLLEGES OF PHARMACY  
FROM: Carmen A. Catizone, Executive Director/Secretary  
DATE: August 8, 2017  
RE: eBay/NAPLEX Case Study Titled, PharmD Candidates: How Ethical Standards Play a Role in the Integrity of the NAPLEX

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To address exam security and the integrity of the North American Pharmacist Licensure Examination® (NAPLEX®), the NABP Executive Committee approved a recommendation of the NABP Advisory Committee on Examinations related to the 2015 eBay incident involving the sale of NAPLEX test items over the internet. A case study and corresponding overview and slide presentation were developed that focus on the application of ethical standards and the role this plays in the integrity of the NAPLEX (attached). NABP shared the study and presentation with the American Association of Colleges of Pharmacy and strongly encouraged that they be included as part of schools' and colleges' of pharmacy ethics curriculum to advise students of their legal obligations and the consequences of violating these agreements once they have registered for the exam.

Further, the Executive Committee approved for the eBay case to be discussed at the 2017 District Meetings.

Attachments

cc: American Association of Colleges of Pharmacy  
Executive Officers – State Boards of Pharmacy  
NABP Executive Committee  
NABP Advisory Committee on Examinations

## Attachment A

### Case Study Overview

#### **PharmD Candidates: How Ethical Standards Play a Role in the Integrity of the NAPLEX**

##### ***Background***

In 2015, the National Association of Boards of Pharmacy® (NABP®) learned of an alleged occurrence involving the sale of North American Pharmacist Licensure Examination® (NAPLEX®) test items (questions). NABP confirmed that an account on eBay was promoting the sale of NAPLEX items compiled by an examinee after the examinee's test administrations in 2014 and 2015. NABP purchased a copy of the materials offered on eBay and was able to more closely link the materials to the seller. NABP then commenced an investigation to identify the seller and individuals involved.

##### ***Problem***

Exam security and the integrity of the NAPLEX are of paramount importance to NABP. The NAPLEX is used by all 50 states and NABP member jurisdictions to identify candidates who demonstrate the acceptable level of competency in order to qualify for pharmacist licensure. Candidates need to adhere to professional codes of ethics and conduct in pharmacy, and they are also expected to do so as part of the testing and licensure process. Consequently, the sale and purchase of NAPLEX test items, among other things, is unethical and a violation of the NABP non-disclosure and candidate conduct agreements.

##### ***The Plan***

Commence an investigation to identify the original individual (Seller) involved with the compilation and selling of NAPLEX test material and the individuals (Disclosers) who allegedly disclosed test items to the Seller that the Seller then included in the compilation.

##### ***Investigation***

Once NABP confirmed that content from the NAPLEX was being sold online, NABP immediately took two important actions: it caused eBay to take down the sales offers for NAPLEX material and removed several affected test questions from the NAPLEX item bank.

NABP data was critical to the identification of the Seller and the alleged Disclosers. NABP identified these individuals by mapping content on each test taker's examination with the materials the Seller offered for sale on eBay. NABP matched the Seller's and alleged Disclosers' tests with the NAPLEX content offered on eBay. With the support of the board of pharmacy in the state that the Seller and alleged Disclosers designated for licensure, NABP interviewed the Seller and identified individuals who bought the eBay materials.

The investigation and interview were conducted between May 2015 and February 2016. At its core, this matter was instigated by a graduate from a United States pharmacy program; however,

it involved numerous buyers across the US. The investigation culminated in the identification of over 20 additional individuals involved in purchasing, and two individuals selling, the NAPLEX items. Among the group of buyers were recent US pharmacy program graduates, US pharmacy program students, interns, pharmacy technicians, and several registered pharmacists.

### ***Results***

NABP contacted identified individuals allegedly involved with the purchase or sale of NAPLEX items on eBay. NABP entered a settlement agreement with the Seller and elicited non-disclosure promises from the alleged Disclosers. Specifically, for the individuals who violated the NAPLEX non-disclosure or candidate conduct agreements, NABP and the respective individuals entered into agreements that required payment of monetary damages; a prohibition on scheduling the NAPLEX for a defined period of time; remitting to NABP the eBay sales revenues, which were then donated to charity; notification of the misconduct to the state boards of pharmacy; and/or consequences for any future similar activity. Many boards of pharmacy have initiated their own investigations or disciplinary actions against these individuals. For others who were not bound by NAPLEX non-disclosure obligations, the identified individuals promised not to disclose the purchased NAPLEX content and to certify its destruction and agreed to future consequences if they engaged in any similar activity.

Although this situation did not materially impact the NAPLEX or its administration, NABP strengthened its candidate non-disclosure agreement and is taking steps to enhance its messaging to candidates regarding their exam-related confidentiality obligations.

Like the individuals involved in this matter, candidates who offer to sell, purchase, disclose, or otherwise make available NABP examination content may be subject to NABP sanctions including, but not limited to, canceled testing appointments, a hold on taking an NABP examination, significant monetary penalties, disgorgement of profits, and notification to the state boards of pharmacy. NABP may also cancel scores (requiring retesting) and litigate cases, particularly where NABP damages are significant. Candidates engaging in examination misconduct may also face disciplinary action by the boards of pharmacy, including additional lengthy holds being placed on taking the licensure examination, denial of the candidate's pharmacist licensure application, or licensure probation. Moreover, such candidates may be subject to civil or criminal proceedings that could result in monetary loss, fines, and/or other punishment and reputational damage that may impact their employment and ability to advance in the profession.

### ***Next Steps***

NABP encourages schools and colleges of pharmacy to include the accompanying case study as part of the pharmacy law and ethics curriculum. This case study is intended to instruct students regarding the ethical and legal obligations they have agreed to once they have registered for the NAPLEX and how breaching those obligations may lead to severe individual, financial, and professional consequences.

## Attachment B

### Case Study

#### **PharmD Candidates: How Ethical Standards Play a Role in the Integrity of the NAPLEX**

After completing all of the didactic and experiential requirements for your PharmD program, you take the NAPLEX and are excited about moving ever closer to achieving what you have worked so hard to earn – your pharmacist license. Later that day, after taking the examination, you are relaxing at your apartment when you see a Facebook post from one of your pharmacy school colleagues detailing that she too has just finished taking the NAPLEX and emojis a sigh of relief. You “like” her post and comment that you agree and hope that both of you passed the exam.

A little later, another colleague from your pharmacy school reaches out to you asking what you thought about the questions on the examination. You exchange thoughts about questions being easy, really hard, or that you had no idea what the answer should have been.

That colleague then asks if you would be willing to jot down any of the questions that you remember so he can prepare a “study guide” just like “all of the fraternities and sororities do for the exams in pharmacy school.” At first you think this is a really good idea, but then you remember the agreement that you signed when you registered for the NAPLEX regarding not disclosing any questions or information about the questions. You also remember all the possible consequences stated in the agreement, and you think about how hard you have worked to obtain your degree and hopefully become licensed. Although you feel wimpy doing so, you pass on his request to supply any exam questions.

A few weeks later, you learn that you did not pass the NAPLEX. You feel devastated and realize that you did not study enough, so you immediately search the internet for “NAPLEX study guides” to assist you in preparing for and passing the exam. Your search leads to an eBay listing that offers actual NAPLEX questions that were recently compiled by examinees who took the exam around the same time you did. You wonder how someone could obtain and sell actual NAPLEX questions, especially since it is strictly prohibited by that agreement. You then remember the earlier exchange you had with your colleague who had asked if you could share questions that you remembered from the exam. You realize that this must be his “study guide” and being desperate, you decide to purchase the questions from eBay.

The package arrives from eBay and you suddenly experience mixed feelings of guilt, worry, and curiosity. You rationalize with yourself that everyone had “old tests” in pharmacy school, right? It’s not the students’ fault the professors gave the exact same test over and over. But then you realize that it just doesn’t seem right to cheat on the national licensure examination. The state boards of pharmacy use the NAPLEX to determine who is competent to practice pharmacy, and you remember several of your pharmacy school colleagues who were definitely not competent. You wonder, “What if one of them cheated and becomes licensed” and “Would I want them to be responsible for my or a family member’s medications”? All of a sudden, the integrity of the exam and licensure process takes on a much different meaning and the consequences of violating that integrity weigh heavily on your mind.