

**DIVISION 41**

**OPERATION OF PHARMACIES (RETAIL AND INSTITUTIONAL DRUG  
OUTLETS)  
CONSULTING PHARMACISTS AND OPERATION OF DRUG ROOMS**

**855-041-0016**  
**Grounds for Discipline**

**The State Board of Pharmacy may impose one or more of the following penalties which includes: suspend, revoke, or restrict the license of an outlet or may impose a civil penalty upon the outlet upon the following grounds:**

**(1) Unprofessional conduct as defined in OAR 855-006-0005;**

**(2) Advertising or soliciting that may jeopardize the health, safety, or welfare of the patient including, but not be limited to, advertising or soliciting that:**

**(a) Is false, fraudulent, deceptive, or misleading;**

**(b) Guarantees of a professional service within a specified time period;**

**(c) Makes any claim regarding a professional service or product or the cost or price thereof which cannot be substantiated by the licensee, who shall have the burden of proof;**

**(d) Makes any claim of professional superiority which cannot be substantiated by the licensee, who shall have the burden of proof; or**

**(e) Offers a bonus or inducement in any form to encourage the transfer of a prescription absent professional rationale.**

**(3) Failure to provide a working environment that protects the health, safety and welfare of patients which includes but is not limited to:**

**(a) Sufficient personnel to prevent fatigue, distraction or other conditions that interfere with a pharmacist's ability to practice with reasonable competency and safety.**

**(b) Adequate time for a pharmacist to complete professional duties and responsibilities including, but not limited to:**

**PROPOSED RULES for March 22, 2012 Rulemaking Hearing**

**(A) Drug Utilization Review;**

**(B) Immunization;**

**(C) Patient counseling;**

**(D) Verification of the accuracy of the prescription; and**

**(E) All other duties of a pharmacist as specified in Division 19 of this chapter of rules.**

**(4) Introducing external factors such as productivity or production quotas or other programs to the extent that they interfere with the ability to provide appropriate professional services to the public.**

**Stat. Auth: ORS 689.151, 689.155(2), 689.205, 689.225(4)**

**Stat. Implemented: ORS 689.155**