

**REVISED PROPOSED RULES FOR RECONSIDERATION**

**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; or**

**(b) Makes any claim regarding a professional service or product or the cost or price thereof which cannot be substantiated by the licensee.**

**(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) Appropriate opportunities for uninterrupted rest periods and meal breaks.**

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

**(A) Drug Utilization Review;**

**(B) Immunization;**

**(C) Patient counseling;**

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**(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.**

**(5) Incenting or inducing the transfer of a prescription absent professional rationale.**

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

**Stat. Implemented: ORS 689.155**