

# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Room 017  
Little Rock, AR 72201-1094

For Office Use Only: REGULATION 31  
Effective Date 11/23/95 Code Number 070.00.95--004

Name of Agency Arkansas State Board of Pharmacy

Department \_\_\_\_\_

Contact Person Sheila Castin, Acting Director

Statutory Authority for Promulgating Rules 17-91-205 (A)

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published . . . . .	9/15, 9/22, 9/29 <u>10/6/95</u>
<input checked="" type="checkbox"/> <sup>10</sup> <del>20</del> Days After Filing	Final Date for Public Comment . . . . .	<u>10/13/95</u>
<input type="checkbox"/> Other	Filed With Legislative Council . . . . .	<u>9/25/95</u>
	Reviewed by Legislative Council . . . . .	<u>11/2/95</u>
	Adopted by State Agency . . . . .	<u>10/13/95</u>

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

Sheila Castin  
Signature

Acting Director

Title

11/8/95

Date

**31. Defining Unprofessional or Dishonorable Conduct:**

- A. Preamble:** In defining "unprofessional conduct," the definitions of professional conduct and a pharmacist's duty should be determined.

Professional conduct may be defined as complying with all the laws and regulations that apply to a given professional activity.

A pharmacist's duty means the practicing pharmacist has a general duty to qualify himself by attaining and maintaining an acceptable level of professional competence and by using such skill and precaution in the preparation, compounding, dispensing, labeling and distribution of drugs and medical devices whether on prescription or not, so as to prevent injury or death to all who are exposed to his professional services; and if the pharmacist is an owner, operator, or director of a pharmacy, he has an additional duty to employ only qualified persons and such other duties as are incidental to the operation of a mercantile business establishment.

- B. Definition:** Unprofessional or dishonorable conduct by a pharmacist shall mean, among other things, but not limited to:

1. Violation of any provision of the pharmacy act.
2. Violation of the Board of Pharmacy Regulations.
3. Violation of the Drug and Cosmetic act.
4. Violation of the Controlled Substances Act.
5. Failure of a pharmacist to conduct himself professionally in conformity with all applicable federal, state, and municipal laws and regulations in his relationship with the public, other health care professions, and fellow pharmacists.
6. Failure to keep his pharmacy and/or area of professional practice clean, orderly, maintained and secured for the proper performance of his professional duties.
7. Acquiring prescription stock from unlicensed sources or buying or selling legend drugs in violation of local, state, or federal law.
8. Personal participation in the sale of alcoholic beverages while "on duty" as a pharmacist. (Exempts pharmacies selling alcoholic beverages before 6/85.)
9. Failure to hold to the strictest confidences all knowledge concerning patrons, their prescriptions, and other confidence entrusted or acquired by him; divulging in the interest of the patron, only by proper release forms, or where required for proper compliance with legal authority.
10. Participation in a plan or agreement which compromises the quality or extent of professional services, or facilities at the expense of the public health and welfare.
11. Participation in any plan, agreement, or arrangement which eliminates or detrimentally affects the traditional relationship of physician, patient, pharmacist, and the patient's freedom of choice of professional services.
12. The distribution, promotion, or advertising of premiums, rebates,

coupons, amounts off, etc., on prescription drugs unless the offer is given to all patients purchasing prescriptions in the same time period. \*Senior Citizen discounts shall not be considered a violation of this section.

13. The solicitation of prescription business by providing prescribers with prescription blanks with the name of any licensed pharmacy or pharmacy printed thereon.
14. Violation of Regulations and Procedures governing payment to pharmacies for pharmaceutical services for eligible Public Assistance recipients and/or other third party payment programs.
15. The provision of medication carts, printing and maintenance of the data base to produce the doctor's order sheet or medication administration record, consultation and related services by provider pharmacists to long-term care facilities free of charge or obviously below cost.
16. Falsifying contracts or agreements for legend drug purchases or violation of such contracts.
17. Providing invalid or insufficient checks in payment for licenses or renewals.
18. Receiving a score of 70 or below on two consecutive Board of Pharmacy inspections. The inspection is Based on the Board of Pharmacy inspection form which is available on request.
19. Dishonorable conduct shall include, without limitation, conduct involving moral turpitude, fraud, dishonesty, or otherwise demonstrating lack of good moral character, whether or not said conduct involves the practice of pharmacy. 10/09/80 (Revised 4/07/89, 6/07/90, 4/10/92, and 10/13/95)