

Chapter Phar 5

STANDARDS OF PROFESSIONAL CONDUCT

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Phar 5.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08, 227.014 and 450.02, Stats.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

Phar 5.02 Definitions. In this chapter,

(1) "Dispense" means to select, compound, mix, combine, measure, count, or otherwise prepare a drug or drugs for delivery to the patient, or to deliver a drug or drugs to the patient.

(2) "Drug" has the meaning defined in s. 450.06, Stats.

(3) "Patient" means the individual for whom drugs are prescribed or to whom prescription drugs are administered.

(4) "Practice of pharmacy" means interpreting prescription orders; the compounding, packaging, labeling, dispensing, administering, and distributing of drugs and devices, the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participation in drug utilization reviews and drug product substitution as authorized in ch. 450, Stats.; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend and over the counter drugs which may include, but is not limited to, the advising of therapeutic values, hazards and the uses of drugs and devices.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.

Phar 5.03 Unprofessional conduct. The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 450.02 (7) (b) Stats.:

(1) Violating, or aiding or abetting the violation of, any law substantially related to the practice of pharmacy;

(2) Being convicted of any crime the circumstances of which substantially relate to the practice of pharmacy;

(3) Administering, dispensing, supplying or obtaining a drug other than in legitimate practice, or as prohibited by law;

(4) Engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient;

(5) Dispensing a drug which the pharmacist should have known would harm the patient for whom the medication was prescribed;

(6) Dispensing or causing to be dispensed a drug which is outdated or contaminated or known by the pharmacist to be unsafe for consumption;

(7) Practicing while the ability of the pharmacist to competently perform duties is impaired by mental or emotional disorder or drug or alcohol abuse;

(8) Falsifying patient records;

(9) Disclosing to the public information concerning a patient without the consent of the patient unless the information is requested by the pharmacy examining board or the department of regulation and licensing or unless release is otherwise authorized by law;

(10) Failing to report to the pharmacy examining board any pharmacy practice which constitutes a danger to the health, safety or welfare of patient or public;

(11) Providing false information to the pharmacy examining board or its agent;

(12) Refusing to render professional services to a person because of race, color, sex, religion, or age;

(13) Obtaining or attempting to obtain any compensation by fraud or deceit;

(14) Aiding or abetting the unlicensed practice of pharmacy;

(15) Advertising in a manner which is false, deceptive or misleading;

(16) Dispensing sample drug products for any financial consideration;

(17) Exercising undue influence on or taking unfair advantage of a patient in the promotion or sale of services, drugs or other products for the financial gain of the pharmacist or a third party;

(18) Participating in rebate or fee-splitting arrangements with health practitioners or with health care facilities;

(19) Furnishing a prescriber with any prescription order blanks imprinted with the name of a specific pharmacist or pharmacy;

(20) Using secret formula or code in connection with prescription orders;

(21) Having a pharmacist license revoked or suspended in another state or United States jurisdiction; or,

(22) Violating or attempting to violate any formal disciplinary order of the board.

History: Cr. Register, January, 1980, No. 289, eff. 2-1-80.