

4729:2-4-01

Disciplinary Actions.**(A) As used in this rule:**

- (1) "Dishonesty" means any action by a licensee or registrant to include, but is not limited to, making any statement intended to deceive, misrepresent or mislead anyone, or be a party to or an accessory to any fraudulent or deceitful practice or transaction in the practice of pharmacy or in the operation or conduct of a pharmacy.
- (2) "Unprofessional conduct" means conduct unbecoming of a licensee or registrant, or conduct that is detrimental to the best interests of the public, including conduct that endangers the health, safety or welfare of a patient or client. Such conduct shall include, but not be limited to, the following acts: coercion, intimidation, harassment, sexual advances, improper use of private health information, threats, degradation of character, indecent or obscene conduct, and theft.

(B)

- (1) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may impose any one or more of the following sanctions on a pharmacy intern if the board finds the individual engaged in any of the conduct set forth in paragraph (B)(2) of this rule:
 - (a) Revoke, suspend, restrict, limit, or refuse to grant or renew a license;
 - (b) Reprimand or place the license holder on probation;
 - (c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.
- (2) The board may impose the sanctions listed in paragraph (B)(1) of this rule if the board finds a pharmacy intern:
 - (a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;
 - (b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;

- (c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacy intern unfit to practice pharmacy;
- (d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;
- (f) Knowingly lent the pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;
- (g) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (h) Committed fraud, misrepresentation, or deception in applying for or securing a license by the board under this chapter or under Chapters 3796., 3715. or 3719. of the Revised Code;
- (i) Failed to comply with an order of the board or a settlement agreement;
- (j) Committed acts that constitute moral turpitude as defined in section 4776.10 of the Revised Code or gross immorality;
- (k) Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration;
- (l) Has been disciplined by the state of Ohio board of pharmacy pursuant to section 4729.16 of the Revised Code;
- (m) Has been disciplined by any professional licensing board; or

(n) Failed to conform to prevailing standards of care of similar pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established.

Replaces: 4729-5-04

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 4729.26, 4729.16

Rule Amplifies: 4729.11, 4729.12

Prior Effective Dates: 09/10/1976, 03/21/1988, 07/01/1991, 07/01/2011,
04/28/2016