

Chapter Phar 10

STANDARDS OF PROFESSIONAL CONDUCT

Phar 10.01 Authority.
Phar 10.02 Definitions.

Phar 10.03 Unprofessional conduct.

Phar 10.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08, 227.11 and 450.02, Stats.

History: Cr. Register, January, 1980, No. 289, eff. 2–1–80; renum. from Phar 5.01, Register, January, 1983, No. 325, eff. 2–1–83; correction made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1993, No. 451.

Phar 10.02 Definitions. In this chapter:

(1) “Dispense” has the meaning given in s. 450.01 (7), Stats.

(2) “Drug” has the meaning given in s. 450.01 (10), Stats.

(3) “Patient” has the meaning given in s. 450.01 (14), Stats.

History: Cr. Register, January, 1980, No. 289, eff. 2–1–80; renum. from Phar 5.02 and r. (4), Register, January, 1983, No. 325, eff. 2–1–83; am. (1), (2) and (3), Register, December, 1998, No. 516, eff. 1–1–99.

Phar 10.03 Unprofessional conduct. The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct in addition to those grounds specified under s. 450.10 (1), Stats.:

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

(2) 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 or pharmacy technician which harmed or could have harmed a patient.

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

(4) Dispensing or causing to be dispensed a drug which is outdated or contaminated or known by the pharmacist to be unsafe for consumption.

(5) Falsifying patient records.

(6) 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 safety and professional services or unless release is otherwise authorized by law.

(7) 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.

(7m) Failing to report to the board information that reasonably suggests there is a probability that a prescription drug or device dispensed by a pharmacist has caused or contributed to the substantial bodily injury or death of a customer or patient.

(8) Providing false information to the pharmacy examining board or its agent.

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

(10) Aiding or abetting the unlicensed practice of pharmacy.

(11) Advertising in a manner which is false, deceptive or misleading.

(12) Dispensing sample drug products for any financial consideration.

(13) 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.

(14) Participating in rebate or fee-splitting arrangements with health practitioners or with health care facilities.

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

(16) Using secret formula or code in connection with prescription orders.

(17) Having a pharmacist license or pharmacy technician registration revoked or suspended in another state or United States jurisdiction or having been subject to other disciplinary action by the licensing authority thereof.

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

(19) Practicing without a current license or registration.

(20) Violating or attempting to violate any provision or term of ch. 450, Stats., or of any rule of the board.

(21) Failure to comply with s. 450.13 (5m) or 450.135 (8m), Stats.

History: Cr. Register, January, 1980, No. 289, eff. 2–1–80; renum. from Phar 5.03, Register, January, 1983, No. 325, eff. 2–1–83; am. (intro.), r. (1), (2), (7), (13) and (22), renum. (3) to (6), (8) to (12), (14) to (21) to be (1) to (17), Register, August, 1991, No. 428, eff. 9–1–91; am. (17), cr. (18), Register, July, 1993, No. 451, eff. 8–1–93; cr. (7m) and (19), Register, December, 1998, No. 516, eff. 1–1–99; correction in (6) made under s. 13.92 (4) (b) 6., Stats., Register February 2012 No. 674; CR 23–015: cr. (20), (21) Register April 2024 No. 820, eff. 5–1–24; correction in (21) made under s. 35.17, Stats., Register April 2024 No. 820; **EmR2303: emerg. am. (2), (17), (19), eff. 2–3–23; CR 23–072: am. (1) to (7), (8) to (17), (19) Register August 2024 No. 824, eff. 9–1–24.**