

318:29 Disciplinary Action. –

I. The board may undertake disciplinary action against any licensee, permittee, registrant, or certificate holder:

- (a) Upon its own initiative; or
- (b) Upon written complaint of any person which alleges that a licensee, permittee, registrant, or certificate holder has committed misconduct under paragraph II or V of this section or any other applicable provision of this chapter or RSA 318-B, and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

- (a) The practice of fraud or deceit in procuring or attempting to procure a license, permit, registration, or certificate to practice under this chapter;
- (b) Conviction of a felony or any offense involving moral turpitude;
- (c) Any dishonest or unprofessional conduct, or gross or repeated negligent conduct in the practice of pharmacy or in performing activities ancillary to the practice of pharmacy or any particular aspect or specialty thereof;
- (d) Behavior which demonstrates a clear conflict with the basic knowledge and competence expected of licensed pharmacists or any particular aspect or specialty of the practice of pharmacy, or any intentional act which demonstrates a clear inconsistency with the health and safety of persons making use of the professional services of any person licensed under this chapter;
- (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this chapter;
- (f) Mental or physical incompetency to practice under this chapter; or
- (g) Willful or repeated violation of any provision of this chapter, any substantive rule of the board, or any other federal, state, or local drug or pharmacy-related law, rule, or regulation.

(h) [Repealed.]

III. [Repealed.]

IV. The board may take disciplinary action in any one or more of the following ways:

- (a) By reprimand;
- (b) By suspension, limitation or restriction of a license or probation for any period of time deemed reasonable by the board;
- (c) By revocation of license;
- (d) By assessing administrative fines in amounts established by the board;
- (e) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient; or
- (f) By requiring the licensee to submit to the care, observation or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

V. The board may, after notice and hearing, suspend or revoke a pharmacy permit, license, or registration for grounds which include, but are not limited to:

- (a) The suspension, revocation, or expiration of the pharmacist license of the pharmacist-in-charge.
- (b) Termination of the employment of the pharmacist-in-charge with the pharmacy.
- (c) Operation of the pharmacy in a manner that is in violation of federal, state, or local drug or pharmacy-related law, rule, or regulation.
- (d) Conviction of the pharmacist-in-charge, an owner, a corporate officer, the corporation, or the pharmacy of a felony, a misdemeanor resulting from a violation of any federal, state, or local

drug or pharmacy-related law, rule or regulation, or an act involving moral turpitude or gross immorality.

(e) Unsanitary conditions.

(f) Fraud, intentional misrepresentation or perjury in securing the permit, license, or registration or in any hearing before the board.

(g) Unprofessional conduct which includes, but is not limited to, violations of federal, state, or local drug or pharmacy-related laws, rules, or regulations, or other acts or omissions which, in the opinion of the board, pose a threat to the well-being or the safety of the public.

(h) Fee splitting for professional services. This does not prohibit rent payments under a rental or lease agreement for the operation of a pharmacy by a pharmacist or pharmacy to an individual licensed to prescribe medicine.

(i) Any ownership or control of an ownership interest of a pharmacy within the state by an individual licensed to prescribe medicine, or a corporation, professional association or partnership consisting of such prescriber or prescriber's immediate family members, except such corporations as are expressly exempt from income taxation under section 501(c)(3) of the United States Internal Revenue Code. This shall not include ownership of investment securities purchased by the practitioner on terms available to the general public and which are publicly traded. This subparagraph shall not apply to the ownership or control of an ownership interest of an institutional pharmacy operated within the state by or for hospitals, as defined in RSA 151:2, I(a), licensed by the state pursuant to RSA 151.

(j) The sale, rental, trade, transfer, or release of patient identifiable medical information for the purpose of sales or marketing of services or products without written authorization.

Source. 1921, 122:19. PL 210:30. RL 256:30. 1949, 280:2. RSA 318:29. 1957, 72:3. 1979, 155:22. 1981, 484:12. 1985, 324:9, 10. 1988, 210:2. 1989, 258:1. 1992, 97:2-8, 13, I, II. 1993, 67:2. 1995, 56:1. 1998, 236:3. 2005, 177:130. 2010, 259:6. 2012, 282:15, eff. June 30, 2015.