**Section 1330.30 Unprofessional and Unethical Conduct**

Unprofessional and unethical conduct by a licensee or registrant shall include, but not be limited to:

a) Failing to establish and maintain effective controls against diversion of prescription drugs.

b) Committing theft or diversion, or attempting to commit theft or diversion, by a registrant or licensee.

c) Making or filing a report or record that a pharmacist or pharmacy knows to be false or intentionally or negligently failing to file a report or keep records as required by the Act or this Part.

d) Knowingly dispensing a prescription drug after the death of the person for whom the prescription was written.

e) Billing or charging for quantities of drugs greater than that which was delivered or charging patients for a brand drug when a generic is dispensed.

f) Submitting fraudulent billing or reports to a third party payer or claiming a fee for a service that is not performed or earned.

g) Filling a prescription when a pharmacist knows, or reasonably should know, that no valid physician-patient relationship exists or failing to exercise sound professional judgment with respect to the accuracy and authenticity of any prescription/drug order dispensed.

h) Failing to provide patient counseling in accordance with this Part, failing to respond to requests for patient counseling, attempting to circumvent patient counseling requirements, or otherwise discouraging patients from receiving patient counseling concerning their prescription medications.

i) Discriminating in any manner against a person or group based upon that person or group's religion, race, creed, color, gender, sexual orientation, age or national origin.

j) Knowingly dispensing a prescription drug without a valid prescription. Dispensing or offering to dispense any drug not approved by the Food and Drug Administration (FDA), found in the USP-NF, or found on the list promulgated by the FDA for bulk drug substances that may be used to compound drug products.

k) Failing to keep one's self and one's apparel clean or to wear identification bearing name and designation.

l) Directly or indirectly furnishing to a medical practitioner prescription order-blanks that refer to a specific pharmacist or pharmacy in any manner.

m) Actively or passively participating in any arrangement or agreement in which a prescription order-blank is prepared, written, or issued in a manner that refers to a specific pharmacist or pharmacy. Pharmacy-branded enrollment forms, when a patient requests his or her prescriptions be filled at a specific pharmacy, and Risk Evaluation and Mitigation Strategies documents containing prescription information are not prohibited by this subsection.

n) Dividing a prescription order unless directed by the prescriber, payer or patient or when the full quantity of that prescription medication is not available at that location.

o) Committing dispensing errors that result in hospitalization of a patient or demonstrating a pattern and practice of dispensing errors.

p) Committing an act or acts that are of a flagrant and obvious nature so as to constitute conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached.

q) Committing an act or acts in a relationship with a patient that violate common standards of decency or propriety.

r) Willfully violating, or knowingly assisting in the violation of, any law relating to the use of habit-forming controlled substances.

(Source: Amended at 41 Ill. Reg. 10643, effective August 18, 2017)