

§13742-A. Denial or refusal to renew license; disciplinary sanctions; crimes; criminal prosecutions

1. Disciplinary action. In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

- A. Misuse of alcohol, drugs or other substances that has resulted or may result in the applicant or licensee performing duties in a manner that endangers the health or safety of patients; [PL 2013, c. 105, §9 (AMD).]
- B. A professional diagnosis of a mental or physical condition that has resulted or may result in the applicant or licensee performing duties in a manner that endangers the health or safety of patients; [PL 2007, c. 402, Pt. DD, §19 (NEW).]
- C. Engaging in unprofessional conduct by violating any standard of professional behavior, including but not limited to a breach of confidentiality of health care information pursuant to state law, that has been established in the practice for which the licensee is licensed; [PL 2017, c. 434, §2 (AMD).]
- D. Engaging in false, misleading or deceptive advertising; [PL 2019, c. 165, §27 (AMD).]
- E. Failing to comply with section 13800; [PL 2021, c. 303, §2 (AMD).]
- F. A violation of section 13800-B; or [PL 2021, c. 303, §3 (AMD).]
- G. A violation of section 13725. [PL 2021, c. 303, §4 (NEW).]

This subsection applies to all types of licenses issued by the board.
[PL 2021, c. 303, §§2-4 (AMD).]

2. Crime in course of business. If any licensed pharmacist is convicted in state or federal court of a crime that is committed during the course of duties performed as a licensed pharmacist or committed through the use of the pharmacy in which the pharmacist is employed, or that the pharmacist owns or operates, and that demonstrates unfitness to practice as a pharmacist, including, but not limited to, convictions for defrauding the Medicaid program and for illegally distributing prescription drugs, the pharmacist's license is subject to disciplinary action as set forth in subsection 1.
[PL 2007, c. 402, Pt. DD, §19 (NEW).]

3. Criminal prosecutions. Nothing in this chapter bars criminal prosecution for any violation of this chapter when that violation is a criminal offense under the laws of this State or of the United States.
[PL 2007, c. 402, Pt. DD, §19 (NEW).]

4. Injunction. Notwithstanding any other provision of law, the Attorney General may seek injunctive relief against a person who violates subsection 1, paragraph E. If the Attorney General prevails in an action under this subsection, the court must order the person to reimburse the State for the Attorney General's costs of prosecuting the action, including reasonable attorney's fees.
[PL 2017, c. 434, §4 (NEW).]

SECTION HISTORY

PL 2007, c. 402, Pt. DD, §19 (NEW). PL 2013, c. 105, §9 (AMD). PL 2017, c. 434, §§2-4 (AMD). PL 2019, c. 165, §§27-29 (AMD). PL 2021, c. 303, §§2-4 (AMD).

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