

TITLE 3. DISTRICT OF COLUMBIA BOARDS AND COMMISSIONS

SUBTITLE I. GENERAL

CHAPTER 12. HEALTH OCCUPATIONS BOARDS

UNIT A. GENERAL

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SUBCHAPTER X. PROHIBITED ACTS; PENALTIES; INJUNCTIONS

§ 3-1210.01. Practicing without license

No person shall practice, attempt to practice, or offer to practice a health occupation licensed or regulated under this chapter in the District unless currently licensed, or exempted from licensing, under this chapter.

§ 3-1210.02. Misrepresentation

Unless authorized to practice a health occupation under this chapter, a person shall not represent to the public by title, description of services, methods, or procedures, or otherwise that the person is authorized to practice the health occupation in the District.

§ 3-1210.03. Certain representations prohibited

(l) Unless authorized to practice pharmacy under this chapter, a person shall not use the words or terms "pharmacy," "pharmacist," "druggist," "registered pharmacist," "R.Ph.," "Ph.G.," or any similar title or description of services with the intent to represent that the person practices pharmacy.

§ 3-1210.04. Filing false document or evidence; false statements

(a) No person shall file or attempt to file with any board or the Mayor any statement, diploma, certificate, credential, or other evidence if the person knows, or should know, that it is false or misleading.

(b) No person shall knowingly make a false statement that is in fact material under oath or affirmation administered by any board or hearing officer.

§ 3-1210.05. Fraudulent sale, obtaining, or furnishing of documents

No person shall sell or fraudulently obtain or furnish any diploma, license, certificate or registration, record, or other document required by this chapter, by any board, or by the Mayor.

§ 1210.06. Restrictions relating to pharmacies

(a) Nothing in this chapter regulating the practice of pharmacy shall be construed as altering or affecting in any way District or federal laws requiring a written prescription for controlled substances or other dangerous drugs.

(b) (1) No pharmacist shall supervise more than 1 pharmacy intern at a time without prior approval of the Board of Pharmacy.

(2) No one other than a licensed pharmacist shall receive an oral prescription for Schedule II controlled substances.

(3) It shall be unlawful for a pharmacy intern to compound or dispense any drug by prescription in the District except while in the presence of and under the immediate supervision of a pharmacist.

(4) Any person engaging in the practice of pharmacy as a pharmacy intern shall register with the Mayor and shall comply with the applicable provisions of this chapter and subpart C of subchapter IV of Chapter 28 of Title 47.

§ 3-1210.06a. Pharmacist consultation with medical assistance recipient or caregivers; records

(a) A pharmacist who provides prescription services to medical assistance recipients shall offer to discuss with each medical assistance recipient or caregiver who presents a prescription order for outpatient drugs any matter which, in the exercise of the pharmacist's professional judgment, the pharmacist deems significant, which may include the following:

(1) The name and description of the medication;

(2) The dosage form, dosage, route of administration, and duration of drug therapy;

- (3) Special directions, precautions for preparation, administration, and use by the patient;
- (4) Common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur;
- (5) Techniques for self-monitoring drug therapy;
- (6) Proper storage;
- (7) Prescription refill information; and
- (8) Action to be taken in the event of a missed dose.

(b) The offer to discuss may be made in the manner determined by the professional judgment of the pharmacist, which may include any 1 or a combination of the following:

- (1) A face-to-face communication with the pharmacist or the pharmacist's designee;
- (2) A sign posted in such a manner that it can be seen by patients;
- (3) A notation affixed to or written on the bag in which the prescription is to be dispensed;
- (4) A notation contained on the prescription container;
- (5) Communication by telephone; or
- (6) Any other manner prescribed by rule.

(c) Nothing in this section shall be construed as requiring a pharmacist to provide consultation if the medical assistance recipient or caregiver refuses the consultation. These refusals shall be noted in the profile maintained in accord with subsection (d) of this section for a medical assistance recipient.

(d) A pharmacist shall make a reasonable effort to obtain, record, and maintain, at the individual pharmacy, the following minimal information regarding a medical assistance recipient receiving a prescription:

- (1) Name, address, telephone number, date of birth or age, and gender;

(2) Individual patient history when significant, including known allergies and drug reactions, and a comprehensive list of medications and relevant devices; and

(3) Pharmacist comments relevant to the individual's drug therapy, which may be recorded either manually or electronically in the patient's profile, including any failure to accept the pharmacist's offer to counsel.

(e) This section shall apply only to medical assistance recipients presenting prescriptions for covered outpatient drugs.

(f) The requirements of this section do not apply to refill prescriptions.

(g) The Mayor may adopt regulations implementing the provisions of this section to assure compliance with federal medical assistance requirements.

§ 3-1210.07. Criminal penalties

(a) Any person who violates any provision of this chapter shall, upon conviction, be subject to imprisonment not to exceed 1 year, or a fine not to exceed \$ 10,000, or both.

(b) Any person who has been previously convicted under this chapter shall, upon conviction, be subject to imprisonment not to exceed 1 year or a fine not to exceed \$ 25,000, or both.

§ 3-1210.08. Prosecutions

(a) Prosecutions for violations of this chapter shall be brought in the name of the District of Columbia by the Corporation Counsel.

(b) In any prosecution brought under this chapter, any person claiming an exemption from licensing under this chapter shall have the burden of providing entitlement to the exemption.

§ 3-1210.09. Alternative sanctions

Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2.

3-1210.10. Injunctions

(a) The Corporation Counsel may bring an action in the Superior Court of the District of Columbia in the name of the District of Columbia to enjoin the unlawful practice of any health occupation or any other action which is grounds for the imposition of a criminal penalty or

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disciplinary action under this chapter.

(b) The Corporation Counsel may bring an action in the Superior Court of the District of Columbia in the name of the District of Columbia to enjoin the unlawful sale of drugs or the unlawful trade practice or unlawful operation of a pharmacy, nursing home, community residential facility, or any other establishment purporting to provide health services.

(c) Remedies under this section are in addition to criminal prosecution or any disciplinary action by a board.

(d) In any proceeding under this section, it shall not be necessary to prove that any person is individually injured by the action or actions alleged.