

CHAPTER 29
SALES OF GOODS AND SERVICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

657—29.1(68B) Selling of goods or services by members of the board. The board members shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations that are subject to the regulatory authority of the board of pharmacy except as authorized by these rules.

[ARC 3346C, IAB 9/27/17, effective 11/1/17]

657—29.2(68B) Conditions of consent for board members. Consent shall be given by a majority of the members of the board. Consent shall not be given to a board member to sell goods or services to an individual, association, or corporation regulated by the board unless all of the following conditions are met:

1. The board member requesting consent does not have authority to determine whether consent should be given.

2. The board member's duties or functions are not related to the board's regulatory authority over the individual, association, or corporation to whom the goods and services are being sold, or the selling of the good or service does not affect the board member's duties or functions.

3. The selling of the good or service does not include acting as an advocate on behalf of the individual, association, or corporation to the board.

4. The selling of the good or service does not result in the board member selling a good or service to the board on behalf of the individual, association, or corporation.

[Editorial change: IAC Supplement 6/29/22]

657—29.3(68B) Authorized sales.

29.3(1) A member of the board may sell goods or services to any individual, association, or corporation regulated by any division within the department of public health, other than the board of pharmacy. This consent is granted because the sale of such goods or services does not affect the board member's duties or functions on the board.

29.3(2) A member of the board may sell goods or services to any individual, association, or corporation regulated by the board of pharmacy if those goods or services are routinely provided to the public as part of that person's regular professional practice. This consent is granted because the sale of such goods or services does not affect the board member's duties or functions on the board. In the event an individual, association, or corporation to whom a board member sells goods or services is directly involved in any matter pending before the board, including a disciplinary matter, that board member shall not participate in any deliberation or decision concerning that matter. In the event a complaint is filed with the board concerning the services provided by the board member to a member of the public, that board member is otherwise prohibited by law from participating in any discussion or decision by the board in that case.

29.3(3) Individual application and approval are not required for the sales authorized by this rule unless there are unique facts surrounding a particular sale which would cause the sale to affect the board member's duties or functions, would give the buyer an advantage in dealing with the board, or would otherwise present a conflict of interest.

[ARC 3346C, IAB 9/27/17, effective 11/1/17]

657—29.4(68B) Application for consent. Prior to selling a good or service to an individual, association, or corporation subject to the regulatory authority of the board of pharmacy, a board member must obtain prior written consent unless the sale is specifically allowed in rule 657—29.3(68B). The request for consent must be in writing, signed by the board member requesting consent. The application must provide a clear statement of all relevant facts concerning the sale. The application should identify the parties to the sale and the amount of compensation. The application should also explain why the sale should be allowed.

[ARC 3346C, IAB 9/27/17, effective 11/1/17]

657—29.5(68B) Limitation of consent. Consent shall be in writing and shall be valid only for the activities and the time period specifically described in the consent. Consent can be revoked at any time by a majority vote of the members of the board upon written notice to the board member. A consent provided under these rules does not constitute authorization for any activity which is a conflict of interest under common law or which would violate any other statute or rule.

It is the responsibility of the board member requesting consent to ensure compliance with all other applicable laws and rules.

These rules are intended to implement Iowa Code section 68B.4.

[Filed 6/24/94, Notice 4/13/94—published 7/20/94, effective 8/24/94]

[Filed ARC 3346C (Notice ARC 3133C, IAB 6/21/17), IAB 9/27/17, effective 11/1/17]

[Editorial change: IAC Supplement 6/29/22]