

Appendix A

DISCIPLINE CASE SUMMARIES



Member: Gina Ghobrial (#212885)

At a hearing on March 1, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Ghobrial with respect to the following incidents:

- That she submitted accounts or charges for services that she knew or reasonably ought to have known were false or misleading to the Ontario Drug Benefit program; and
- That she falsified pharmacy records relating to her practice in relation to claims made to the Ontario Drug Benefit program.

In particular, the Panel found that Ms. Ghobrial

- Failed to maintain a standard of practice of the profession;
- Falsified records relating to her practice;
- Submitted accounts or charges for services that she knew to be false or misleading;
- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of

drugs, and in particular, sections 5 and 15(1) (b) of the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10, as amended, and/or Ontario Regulation 201/96 made thereunder, and/or s. 9 of the Drug Interchangeability and Dispensing Fee Act, R.S.O. 1990, c. P.23 and/or s. 5 of Ontario Regulation 936 made thereunder; and

- Engaged in conduct or performed an act or acts relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand
2. An 8 month suspension of the Member's certificate of registration, with 1 month of the suspension to be remitted on condition that the Member complete the remedial training specified below.
3. an Order directing the Registrar to impose specified terms, conditions or limitations on the

Member's certificate of registration as follows:

- a) the Member must successfully complete with an unconditional pass, at her own expense and within 12 months of the date the Order is imposed, the ProBE Program on professional / problem-based ethics for health care professionals offered by the Centre for Personalized Education for Physicians;
- b) for a period of three years from the date the Order is imposed, the Member shall be prohibited from:
 - i. having any proprietary interest in a pharmacy of any kind;
 - ii. acting as a Designated Manager in any pharmacy; and,
 - iii. receiving any remuneration for her work as a pharmacist other than remuneration based on hourly or weekly rates only;
- c) for a period of three years from the date the Order is imposed, the Member shall be required to notify the College in writing of the name(s), address(es) and telephone number(s) of all pharmacy employer(s) within fourteen days of commencing employment in a pharmacy;
- d) for a period of three years from the date the Order is imposed, the Member shall provide her pharmacy employer with a copy of the Discipline Committee Panel's decision in this matter and its Order;
- e) for a period of three years from the date the Order is imposed, the Member shall only engage in the practice of pharmacy for an employer who agrees to write to the College within fourteen days of the Member's commencing employment, confirming that it has received a copy of the required documents identified above, and confirming the nature of the Member's remuneration

4. Costs to the College in the amount of \$7,500.

In its reprimand, the Panel observed that integrity and trust are paramount to the profession of pharmacy, and that pharmacists are held in high regard for the role they play in the provision of healthcare. The Panel noted the seriousness of the Member's misconduct and expressed its disappointment with the Member's failure to maintain a standard of practice of the profession.

The Panel indicated that the practice of pharmacy is a privilege which carries significant obligations. The Panel related that as a result of her misconduct,

the Member eroded the public trust in the pharmacy profession and cast a shadow over her own integrity. The Panel observed that the Member's conduct was dishonourable, disgraceful, and unprofessional, and expressed its hope that the Member does not appear before a panel of the Discipline Committee again.

Member: Sunil Chitnis (OCP #216697)

At a hearing on March 2, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Chitnis with respect to the following incidents:

- That he dispensed narcotics to patients in advance of the interval specified by the prescriber for dispensing, without communicating with the prescriber and/or attempting to do so and/or documenting any communication with the prescriber or the reason for the early dispensing
- That he dispensed and/or permitted to be dispensed and/or condoned the dispensing of targeted substances to patients pursuant to prescription refills without making a record of the refill and/or requiring that a record of the refill be made in accordance with ss. 52 and 53 of the Benzodiazepines and other Targeted Substances Regulations, SOR/2000-217
- That he dispensed and/or permitted to be dispensed and/or condoned the dispensing of Suboxone to patient I.E. in advance of the interval specified by the prescriber for dispensing, and without observing I.E. ingest the medication (i.e. he dispensed "observed doses" as "carry doses"), contrary to the directions of the prescriber
- That he dispensed and/or permitted to be dispensed and/or condoned the dispensing of Suboxone to patient I.E. without valid authorization and/or without keeping a record of a valid authorization and/or without recording on the prescription the information required by s. 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4
- That he dispensed and/or permitted to be dispensed and/or condoned the dispensing of Suboxone to patient I.E. pursuant to authorizations containing erroneous dates, without taking and/or documenting any steps to verify the dates and/or authorizations with the prescriber
- That he created and/or permitted and/or condoned

the creation of false and/or misleading pharmacy records, which recorded that patient I.E. was dispensed Suboxone on certain dates, when he was not

- That he signed prescription hardcopies recording that he dispensed Suboxone to patient I.E. on certain dates, when he did not dispense Suboxone to I.E. on those dates
- That he created and/or permitted to be created and/or condoned the creation of pharmacy records containing false and/or misleading statements by processing prescriptions that were not in fact dispensed, and/or were dispensed on a later date than indicated on the pharmacy records
- That he submitted and/or permitted to be submitted and/or condoned the submission of accounts containing false and/or misleading statements by billing for prescriptions that were not in fact dispensed, and/or were dispensed on a later date than indicated on the accounts
- That he signed prescription hardcopies for prescriptions that he did not in fact dispense, and/or that he dispensed on a later date than the date the hardcopy was signed
- That he created and/or permitted to be created and/or condoned the creation of and/or as Designated Manager were ultimately responsible for the creation of pharmacy records that inaccurately recorded the name of the prescriber
- That he dispensed prescription #1089382 to patient G.S. on or about January 1, 2014 without accurately recording the name of the prescriber

In particular, the Panel found that Mr. Chitnis

- Failed to maintain a standard of practice of the profession
- Failed to keep records as required respecting his patients
- Falsified a record relating to his practice
- Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- Submitted an account or charge for services that he knew was false or misleading
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 155 and/or 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Contravened a federal or provincial law or

municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, section 31 of the Narcotic Control Regulations, C.R.C., c.1041, as amended, under the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended

- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
 - a. that the Member complete successfully, at his own expense, within 12 months of the date of this Order, the following courses and evaluations:
 - i. CPS II Module 3 (Professional Practice & Pharmacy Management II) offered by the Leslie Dan Faculty of Pharmacy;
 - ii. Medication safety for pharmacy practice: Incident analysis and prospective risk assessment offered by the Institute for Safe Medication Practices;
 - b. that the Member shall be prohibited from having any proprietary interest in, or acting as a Designated Manager in, any pharmacy, for 2 years from the date of this Order;
 - c. that, for a period of 12 months from the date the Order is imposed, the Member shall be required to notify the College in writing of the name(s), address(es) and telephone number(s) of all pharmacy employer(s) ("employers") within 14 days of commencing employment in a pharmacy;
 - d. that, for a period of 12 months from the date the Order is imposed, the Member shall provide his employers with a copy of the Discipline Committee Panel's decision in this matter and its Order; and
 - e. that, for a period of 12 months from the date the Order is imposed, the Member shall only engage in the practice of pharmacy for an employer who agrees to write to the College within 14 days of the Member's starting employment, confirming that it has received a copy of the required

documents identified above

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 8 months, with 2 months of the suspension to be remitted on condition that the Member complete the remedial training as specified in subparagraph 2(a) above.
4. Costs to the College in the amount of \$3,500.

In its reprimand, the Panel expressed its disapproval of the Member's conduct and indicated that he betrayed the public and brought discredit to the profession and himself. The Panel notes that what the Member did was intentional and systemic and created a serious risk to public safety and protection. The Panel pointed out that the Member circumvented checks and balances set in place to assist patients in appropriately managing their narcotic addiction.

Member: [Vanthany Viravong \(OCP #95656\)](#)

At a hearing on March 9, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Viravong in that she:

- Practised at a pharmacy for which a certificate of accreditation had not been issued by the College
- Used the protected designations "drug" or "drugs" in connection with a retail business that was not an accredited pharmacy;
- Sold prescription drugs by retail to customers in the U.S. without valid prescription or other authorization recognized by law in Ontario;
- Permitted unregulated staff to perform controlled acts associated with the practice of pharmacy, including dispensing or selling drugs, and/or supervising the part of a pharmacy where drugs were kept;
- Practised at a pharmacy internet site in contravention of the Policy for Ontario Pharmacies Operating Internet Sites, issued by the College in June 2001, and/or the Policy for Prescriptions - Out of Country, issued by the College in January/February 2003

In particular, the Panel found that Ms. Viravong

- Failed to maintain a standard of practice of the profession

- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 139, 147, 149, 155 and/or 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, as amended; sections 56, 58, 59, 61 and/or 62 of Ontario Regulation 551, R.R.O. 1990, as amended; section 2.1 of Ontario Regulation 297/96, as amended; and/or sections 4, 40 and/or 43 of Ontario Regulation 58/11, as amended
- Contravened, while engaged in the practice of pharmacy, any federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections C.01.041 and/or C.01.042 of the Food and Drug Regulations, C.R.C., c. 870, as amended
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration, including:
 - a. That the Member shall complete successfully, at her own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass, and within a further twelve (12) months, the ProBE Plus Program;
 - b. That the Member shall be prohibited from:
 - i. having any proprietary interest of any kind in a pharmacy, or
 - ii. receiving remuneration for her work as a pharmacist other than remuneration based on hourly, weekly or monthly rates only, provided that this term, condition or limitation as set out in subparagraphs (i) and (ii), above, may be removed by an Order of a panel of the Discipline Committee, upon application by the Member, such application not to be made sooner than two (2) years from the date of this Order;
 - c. That the Member's practice will be monitored

by the College for a period of twenty-four (24) months from the date of this Order, on the following terms:

- i. the monitoring will be by means of inspections conducted by a representative of the College at such times as the College may determine;
- ii. the monitoring inspections may be in addition to any routine inspections conducted by the College pursuant to the Drug and Pharmacies Regulation Act, s. 148;
- iii. the Member shall cooperate fully during such inspections;
- iv. the Member shall pay to the College in respect of such monitoring inspections the amount of \$600.00 per inspection, after each inspection, with the total number of inspections for which the Member must pay not to exceed a total of four (4); and
- v. the College may choose to conduct additional inspections within the monitoring period at no further cost to the Member; and

d. That the Member shall provide notification to all her employers in pharmacy regarding the disposition of this discipline proceeding, for a period of three (3) years from the date of this Order, on the following terms:

- i. the Member shall notify the College in writing of the name, address and telephone number of any current or future employer, within fourteen (14) days of resuming any current employment or commencing any future employment in pharmacy;
- ii. the Member shall provide her employer(s) in pharmacy with a copy of the Decision and Reasons of the Discipline Committee in this matter, including this Order, prior to resuming any current employment or commencing any future employment in pharmacy; and
- iii. the Member shall only engage in the practice of pharmacy for an employer who agrees to advise the College in writing, within fourteen (14) days of the Member resuming any current employment with the employer or commencing any new employment, confirming that the Designated Manager of the employer's pharmacy has received a copy of the Decision and Reasons of the panel of the Discipline Committee in this matter, including this Order, and confirming the nature of the Member's remuneration.

3. Directing the Registrar to suspend the Member's

certificate of registration for a period of ten (10) months, with two (2) months of the suspension to be remitted on condition that the Member complete the remedial training specified in sub-paragraph 2(a) above.

4. Costs to the College in the amount of \$7,500.

In its reprimand, the Panel noted that it was disturbed and disappointed by the events that brought Ms. Viravong before a panel of the Discipline Committee. The Panel pointed out that integrity and trust are paramount to the profession of pharmacy and it was necessary to impress on Ms. Viravong the seriousness of her misconduct. The Panel observed that the practice of pharmacy is a privilege which carries significant obligations, and that as a result of her actions Ms. Viravong eroded the public trust in the profession and cast a shadow over her own integrity. The Panel related that it was particularly concerned by Ms. Viravong's choice to allow unregulated staff to perform controlled acts associated with the practice of pharmacy.

Member: Dilip Jain (OCP # 204400)

At a hearing on April 5, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Jain with respect to the following incidents:

- That he dispensed Suboxone to patient [Patient] in advance of the interval specified by the prescriber for dispensing, and without observing [Patient] ingest the medication (i.e. he dispensed "observed doses" as "carry doses"), contrary to the directions of the prescriber
- That he dispensed Suboxone to patient [Patient] without valid authorization and/or without keeping a record of a valid authorization and/or without recording on the prescription the information required by s. 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4
- That he dispensed Suboxone to patient [Patient] pursuant to authorizations containing erroneous dates, without taking and/or documenting any steps to verify the dates and/or authorizations with the prescriber

- That he created false and/or misleading pharmacy records, which recorded that patient [Patient] was dispensed Suboxone on certain dates, when he was not
- That he signed prescription hardcopies recording that he dispensed Suboxone to patient [Patient] on certain dates, when he did not dispense Suboxone to [Patient] on those dates
- That he created pharmacy records containing false and/or misleading statements by processing prescriptions that were not in fact dispensed, and/or were dispensed on a later date than indicated on the pharmacy records
- That he submitted accounts containing false and/or misleading statements by billing for prescriptions that were not in fact dispensed, and/or were dispensed on a later date than indicated on the accounts
- That he signed prescription hardcopies for prescriptions that he did not in fact dispense, and/or that he dispensed on a later date than the date the hardcopy was signed

In particular, the Panel found that he

- failed to maintain a standard of practice of the profession
- failed to keep records as required respecting his patients
- falsified a record relating to his practice
- signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- submitted an account or charge for services that he knew was false or misleading
- contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 155 and/or 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- engaged in conduct or performed an act relevant to

the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
 - (a) that the Member complete successfully, at his own expense, within 12 months of the date of this Order, the following courses and evaluations:
 - i. CPS II Module 3 (Professional Practice & Pharmacy Management II) offered by the Leslie Dan Faculty of Pharmacy;
 - ii. Medication safety for pharmacy practice: Incident analysis and prospective risk assessment offered by the Institute for Safe Medication Practices;
 - (b) that the Member shall be prohibited from having any proprietary interest in, or acting as a Designated Manager in, any pharmacy, for 2 years from May 2, 2016 (i.e. until May 2, 2018);
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 5 months, with 1 months of the suspension to be remitted on condition that the Member complete the remedial training as specified in subparagraph 2(a) above.
4. Costs to the College in the amount of \$3,500.

In its reprimand, the Panel noted that integrity, trust, and adherence to the standards of practice are paramount to the profession. The Panel observed that pharmacists provide care to the public and, in return, are held in high regard for the role they play in the provision of healthcare in Ontario. The Panel noted that the Member acknowledged responsibility for his actions. The Panel expressed its expectation that the Member will learn from this experience and

will make necessary changes in his practice that will maintain the public trust and protection. Although this was the Member's first appearance in front of a panel of the Discipline Committee, the Panel expects it will be his last.

Member: Anne Matsumoto-O'Brien (OCP #67342)

At a hearing on April 13, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Matsumoto-O'Brien with respect to the following incidents:

- That she practised at and/or operated a pharmacy for which a certificate of accreditation had not been issued by the College;
- That she used the protected designations "drug" or "drugs" in connection with a retail business that was not an accredited pharmacy;
- That she sold prescription drugs by retail to customers in the U.S. without valid prescription or other authorization recognized by law in Ontario;
- That she permitted unregulated staff to perform controlled acts associated with the practice of pharmacy, including dispensing or selling drugs, and/or supervising the part of a pharmacy where drugs were kept;
- That she practised at and/or operated a pharmacy internet site in contravention of the Policy for Ontario Pharmacies Operating Internet Sites, issued by the College in June 2001, and/or the Policy for Prescriptions - Out of Country, issued by the College in January/February 2003.

In particular, the Panel found that she

- Failed to maintain a standard of practice of the profession
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 139, 147, 149, 155 and/or 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, as amended; sections 56, 58, 59, 61

and/or 62 of Ontario Regulation 551, R.R.O. 1990, as amended; section 2.1 of Ontario Regulation 297/96, as amended; and/or sections 4, 40 and/or 43 of Ontario Regulation 58/11, as amended

- Contravened, while engaged in the practice of pharmacy, any federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections C.01.041 and/or C.01.042 of the Food and Drug Regulations, C.R.C., c. 870, as amended
- Knowingly permitted the premises in which a pharmacy is located to be used for unlawful purposes
- Permitted, consented to or approved, either expressly or by implication, the commission of an offence against any Act relating to the practice of pharmacy or to the sale of drugs by a corporation of which she was a director
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration, including:
 - a. That the Member shall complete successfully, at her own expense and within twelve (12) months of the date of this Order, the ProBE program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass, and within a further twelve (12) months, the ProBE Plus Program;
 - b. That the Member shall be prohibited from:
 - i. having any proprietary interest of any kind in a pharmacy (with the Member to divest herself of any current proprietary interest(s) no later than three (3) months from the date of this

Order), or

- ii. receiving remuneration for her work as a pharmacist other than remuneration based on hourly, weekly or monthly rates only,

provided that this term, condition or limitation as set out in subparagraphs (i) and (ii), above, may be removed by an Order of a panel of the Discipline Committee, upon application by the Member, such application not to be made sooner than three (3) years from the date of this Order;

- c. That the Member shall be prohibited from being the Designated Manager at any pharmacy for a period of three (3) years commencing May 1, 2016;

- d. That the Member's practice will be monitored by the College for a period of twenty-four (24) months from the date of this Order, on the following terms:

- i. the monitoring will be by means of inspections conducted by a representative of the College at such times as the College may determine;

- ii. the monitoring inspections may be in addition to any routine inspections conducted by the College pursuant to the Drug and Pharmacies Regulation Act, s. 148;

- iii. the Member shall cooperate fully during such monitoring inspections;

- iv. the Member shall pay to the College in respect of such monitoring inspections the amount of \$600.00 per inspection, after each inspection, with the total number of inspections for which the Member must pay not to exceed a total of four (4); and

- v. the College may choose to conduct additional inspections within the monitoring period at no further cost to the Member; and

- e. That the Member shall provide notification to all her employers in pharmacy regarding the disposition of this discipline proceeding, for a period of three (3) years from the date of this Order, on the following terms:

- i. the Member shall notify the College in writing of the name, address and telephone number of any current or future employer, within fourteen (14) days of resuming any current employment or commencing any future employment in pharmacy;

- ii. the Member shall provide her employer(s) in pharmacy with a copy of the Decision and Reasons of the Discipline Committee in this matter, including this Order, prior to resuming any current employment or commencing any future employment in pharmacy; and

- iii. the Member shall only engage in the practice of pharmacy for an employer who agrees to advise the College in writing, within fourteen (14) days of the Member resuming any current employment with the employer or commencing any new employment, confirming that the Designated Manager of the employer's pharmacy has received a copy of the Decision and Reasons of the panel of the Discipline Committee in this matter, including this Order, and confirming the nature of the Member's remuneration.

- 3. Directing the Registrar to suspend the Member's certificate of registration for a period of twelve (12) months, with two (2) months of the suspension to be remitted on condition that the Member complete the remedial training specified in sub-paragraph 2(a) above

- 4. Costs in the amount of \$7,500.

In its reprimand, the Panel noted that it was deeply disturbed by the events that brought the Member before the Discipline Committee. The Panel observed that the practice of pharmacy carries significant obligations to the public, the profession, and oneself. The Panel expressed its view that the Member, as a result of her professional misconduct, eroded the public trust in the pharmacy profession and cast a shadow over her own integrity. The Panel indicated that the Member's actions demonstrated poor judgment and exposed the public to unnecessary risk. The Panel found the Member's conduct to be unprofessional, disgraceful, and dishonourable, and expressed its hope that the Member will not appear before a panel of the Discipline Committee again.

Member: Sammy Agudoawu (OCP #206184)

Mr. Agudoawu applied to the Discipline Committee for reinstatement of his Certificate of Registration. After a hearing on April 14, 2016, a Panel of the Discipline Committee granted his application in a decision dated June 30, 2016. In allowing Mr. Agudoawu's application for reinstatement of his Certificate of Registration, the Panel made the following Order:

1. Directing the Registrar to reinstate the Applicant's Certificate of Registration.
2. Directing the Registrar to impose the following terms, conditions or limitations on the Member's Certificate of Registration:
 - a. The Member shall be listed in Part B of the Register until he has undergone a practice review by the Quality Assurance Committee and completed any remediation specified by the Committee pursuant to O.Reg. 202/94, section 47 and further remedial training specified in subparagraph b. below;
 - b. The Member shall complete successfully, at his own expense, the ProBE Program on professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass, within twelve (12) months of the date of this Order unless the Member provides evidence satisfactory to the Registrar that his financial circumstances warrant extending the twelve (12) month deadline, in which case the Registrar may, in his or her sole discretion, extend the deadline and revise this term accordingly;
 - c. The Member shall be prohibited from having any proprietary interest in a pharmacy as a sole proprietor, partner, or in any other capacity, or from being an officer, director or shareholder of a corporation that owns a pharmacy (excepting only that he may be permitted to own shares in a publically traded corporation that has an interest in a pharmacy), while he is listed in Part B, and for five (5) years from the date that he returns to active practice in Ontario after his transfer to Part A;
 - d. The Member shall be prohibited from being the Designated Manager and/or narcotic signer of any pharmacy while he is listed in Part B, and for five (5) years from the date that he returns to active practice in Ontario after his transfer to Part A;
 - e. The Member shall receive remuneration for working in any pharmacy on the basis of hourly, weekly or monthly rates of pay only, with no incentive of any kind for prescription sales, while he is listed in Part B, and for five (5) years from the date he returns to active practice in Ontario after his transfer to Part A;
 - f. The Member shall be prohibited from working alone in any pharmacy in the absence of another registered pharmacist while he is listed in Part B, and for twelve (12) months from the date that he returns to active practice in Ontario after his transfer to Part A; and
 - g. For as long as he is listed in Part B, and for a period of twenty-four (24) months after his transfer to Part A,
 - i. The Member shall notify the College in writing of any employment, in a pharmacy, which notification shall include the name and address of the employer and the date on which the Applicant began or is to begin employment, within seven (7) days of commencing such employment; and
 - ii. The Member shall only work for an employer in a pharmacy who confirms in writing from the Designated Manager of the pharmacy to the College within seven (7) days of the Member commencing employment at the pharmacy that he or she received and reviewed a copy of the Panel's Decision and Reasons before the Member commenced employment.

The full text of the Panel's decision is available on www.canlii.org.

Member: Nashat Ramzy (OCP #106801)

At a hearing on April 19, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Ramzy with respect to the

following incidents:

- That he was found guilty on December 13, 2013 for breach of trust contrary to the Criminal Code, R.S.C. 1985, c. C-46, section 122
- That he submitted false or unsubstantiated claims to the Ontario Drug Benefit Program totalling approximately \$155,000 in relation to 13 different drugs and/or other health products in or about September 2009-September 2011
- That he created false records of billing and/or dispensing transactions in relation to the false or unsubstantiated claims submitted to the Ontario Drug Benefit Program in or about September 2009-September 2011

In particular, the Panel found that Mr. Ramzy

- was found guilty of an offence that is relevant to his suitability to practice
- failed to maintain a standard of practice of the profession
- falsified a record relating to his practice
- signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- submitted an account or charge for services that he knew was false or misleading
- contravened, while engaged in the practice of pharmacy, a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10, sections 5, 6 and/or 15
- engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand

2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration, including:

- (a) That the Member shall complete successfully, at his own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass;
- (b) That the Member shall be prohibited from:
 - (i) having any proprietary interest of any kind in a pharmacy, or
 - (ii) receiving remuneration for his work as a pharmacist other than remuneration based on hourly, weekly or monthly rates only,

provided that the terms, conditions or limitations as set out in sub-paragraphs 2(b)(i) and (ii) above may be removed by an Order of a panel of the Discipline Committee, upon application by the Member, with such application not to be made sooner than five (5) years from the date of this Order; and

- (c) That the Member shall be prohibited from acting as the Designated Manager at any pharmacy for a period of five (5) years from the date of this Order.

3. Directing the Registrar to suspend the Member's certificate of registration for a period of eighteen (18) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training specified in sub-paragraph 2 (a) above.

4. Costs to the College in the amount of \$15,000

In its reprimand, the Panel noted that integrity and trust are paramount to the profession of pharmacy. The Panel expressed disappointment with the Member's conduct. The Panel pointed to the nature of the fraudulent activities, both with respect to monetary value and persistence over time, and observe that this demonstrated the egregiousness of the Member's behaviour and his complete disregard for the trust that is placed on the profession of Pharmacy to self regulate and

exercise good judgment in regards to delivering patient care. The Panel found the Member's actions to be dishonourable, disgraceful, and conduct unbecoming of a pharmacist. The Panel pointed out that pharmacists are entrusted as custodians of the taxpayers' dollars and, in this regard, the Member has failed them. The Panel expressed its hope that the Member will not appear before a panel of the Discipline Committee again.

Member: Daniel Yung (OCP #49956)

At a hearing on April 27, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Yung with respect to the following incidents:

- That he dispensed prescription narcotics without verifying with the prescribers that the prescriptions were valid in relation to:
 - i. Rx #N36484, Rx #N36488 and/or Rx #N36500 (change of prescriber, previous supply not exhausted, and prescriptions forged); and/or
 - ii. Rx #N36470 and/or Rx #N36471 (prescription unsigned, two strong narcotics prescribed and prescription forged);
- That he dispensed narcotics and other controlled drugs without complying with the prescriber's directions regarding blister pack compliance packaging, and without consulting with the prescriber regarding alternative packaging, in relation to Rx #N37116, Rx #N37117, Rx #N36626 and/or Rx #N37084;
- That he dispensed controlled drugs in a weekly supply rather than dispensing daily as directed by the prescriber, and without consulting with the prescriber, in relation to Rx #N37239 and/or Rx #N37240;
- That he dispensed a controlled drug pursuant to a refill prescription when a more recent new prescription for the same drug had just been dispensed, without consulting with the prescriber, in relation to Rx #349329 and/or Rx #348896;
- That he sold Schedule II narcotics to customers

without making inquiries or assessing the customers before approving the sale of the narcotics, on or about August 12, 2014 and/or February 6, 2015;

- That he committed various prescription discrepancies, including labelling errors in relation to Rx #345270, Rx #349356, Rx #N36481, Rx #N36500, and/or Rx #N37701; compounding errors in relation to Rx #345287; and incorrect prescriber information recorded in relation to Rx #N36517 and/or Rx #N37171; and/or
 - That he failed to maintain the pharmacy in a clear and orderly fashion, and in a good state of repair, in relation to cluttered shelves and storage areas, dirty carpets and floor areas, burnt out light bulbs, and/or inadequate monitoring of fridge temperatures.
- In particular, the Panel found that Mr. Yung
- Failed to maintain a standard of practice of the profession
 - Failed to keep records as required respecting his patients
 - Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 155 and/or 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, as amended, and/or sections 4, 5, 24, and 40 of O.Reg. 58/11, R.S.O. 1990, c.H.4
 - Contravened any federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, section C.01.041 of the Food and Drug Regulations, C.R.C., c. 870, as amended, to the Food and Drugs Act, R.S.C. 1985, c.F-27, as amended, and/or section 31 of the Narcotic Control Regulations, C.R.C., c.1041, as amended, under the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended
 - Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration, including:
 - a. That the Member shall complete successfully, at his own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass;
 - b. That the Member shall be prohibited from acting as the Designated Manager at any pharmacy for a period of three (3) years commencing on June 1, 2016;
 - c. That the Member:
 - i. retain, at the Member's expense, a practice mentor acceptable to the College, within three (3) months of the date of this Order;
 - ii. meet at least three (3) times with the practice mentor, at the mentor's place of practice, for the purpose of reviewing the Member's practice with respect to detecting forged prescriptions and conducting narcotic inventory reconciliations, and identifying areas in the Member's practice with respect to these issues that require remediation; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:
 1. a copy of the Notice of Hearing;
 2. a copy of the Agreed Statement of Facts;
 3. a copy of the Joint Submission on Order;
 4. a copy of the Report of Investigation dated March 11, 2015; and
 5. a copy of the Decision and Reasons, when available.
 - iii. develop a learning plan to address the areas

requiring remediation;

- iv. demonstrate to the practice mentor that the Member has achieved success in meeting the goals established in the learning plan; and
 - v. require the practice mentor to report the results of the mentorship meetings to the Manager, Investigations and Resolutions at the College, after their completion, which shall be no later than twelve (12) months from the date of this Order.
3. Directing the Registrar to suspend the Member's certificate of registration for a period of four (4) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training specified in sub-paragraph 2 (a) above.
 4. Costs to the College in the amount of \$3,000.00.

In its reprimand, the Panel reminded the Member that the practice of pharmacy is a privilege and not a right, and indicated its disappointment that the Member was appearing before them for a second time on the same issues. The Panel remarked that the Member was failing to take into account the safety of patients and the public in general, failing the profession by not maintaining the standards of the profession, and failing himself by not performing up to his potential as a health care professional. The Panel indicated that the Member betrayed the public trust, and expressed its hope that the Member will fulfill his commitment to make the necessary improvements and will not appear before the Discipline Committee again.

Member: [Joshua Ramsammy \(OCP #613037\)](#)

At a hearing on June 6, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Ramsammy with respect to the following:

- That he failed to provide to the Registrar the details of the criminal charges against him, including the status of the proceedings relating to those charges
- That he misappropriated and/or obtained from the Pharmacy narcotics and other controlled and

prescription drugs that had not been prescribed for him and/or refilling a prescription for Ratio-Oxycocet without proper authorization to do so, in or about October 4, 2010 to February 3, 2014

- That he inaccurately indicated on his 2014 Annual Renewal that he was not the subject of a current proceeding in respect of any offence in any jurisdiction.

In particular, the Panel found that Mr. Ramsammy

- Contravened a term, condition or limitation imposed on his certificate of registration
- Failed to maintain a standard of practice of the profession
- Dispensed or sold drugs for an improper purpose
- Falsified records relating to his practice
- Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, section 155 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, as amended
- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections C.01.041 and/or G.03.002 of the Food and Drug Regulations, C.R.C., c. 870, as amended; section 4 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended; section 31 of the Narcotic Control Regulations, C.R.C., c.1041, as amended; and/or section 51 of the Benzodiazepines and Other Targeted Substances Regulations, S.O.R./2000-217, as amended
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional

The Panel imposed an Order which included as

follows:

1. A reprimand
2. An Order directing the Registrar to suspend the Member's certificate of registration for a period of six (6) months, with one (1) month of the suspension to be remitted on the condition that the Member completes the remedial training specified in paragraph 3(i) below.
3. an Order directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration as follows:
 - i. the Member must successfully complete with an unconditional pass, at his own expense and within twelve (12) months of the date when this Order is imposed, the ProBE Program on Professional / Problem-Based Ethics for healthcare professionals offered by the Center for Personalized Education for Physicians;
 - ii. for a period of five (5) years from the date when this Order is imposed, the Member shall be prohibited from acting as a Designated Manager or narcotic signer at any pharmacy;
 - iii. for a period of three (3) years from the date when this Order is imposed:
 - a) the Member shall only engage in the practice of pharmacy if he has notified the College in writing of any employment in any pharmacy, which notification shall include the name, address, and telephone number of the employer and the date on which he is to begin employment, within seven (7) days of commencing such employment; and
 - b) the Member shall only engage in the practice of pharmacy for an employer in a pharmacy who provides confirmation in writing from the Designated Manager of that pharmacy (and any subsequent Designated Manager, if there is a change in the Designated Manager at the same pharmacy during the Member's tenure) to the College, within seven (7) days of the Member's commencement of employment at the pharmacy (and within seven (7) days of a change in Designated Manager), that the Designated Manager received and reviewed

a copy of this Order and the Decision and Reasons of the Discipline Committee in this matter before the Member commenced his employment;

4. Costs to the College in the amount of \$3,000.

In its reprimand, the Panel observed that pharmacy is a self-regulated profession, and that there is a responsibility to ensure that the trust of the members and the public is maintained. The Panel noted that the practice of pharmacy is a privilege that carries obligations to the public, the profession, and oneself. The Panel observed that the Member acknowledged responsibility for his actions. The Panel expressed its view that the Member's conduct was disgraceful, dishonourable, and unprofessional.

Member: Kallol Mukjerhee (OCP #217345)

At a hearing on June 16 and 17, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Mukherjee with respect to the following incidents, while he was engaged in the practice of pharmacy as dispensing pharmacist at Progressive Drug Mart in London:

- On or about September 17, 2013, while working as the sole pharmacist on duty, he left the Pharmacy without ensuring that another pharmacist was physically present in the Pharmacy;
- On or about September 17, 2013, while working as the sole pharmacist on duty at the Pharmacy, he left the Pharmacy without taking reasonable and/or necessary steps to protect and/or ensure the security of narcotics and controlled or targeted substances on the premises;
- On or about September 17, 2013, he engaged in inappropriate conduct at the Pharmacy in relation to [Employee], a pharmacy assistant employed there, consisting of inappropriate comments, physical contact and/or unwelcome advances;

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession

- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular:

- o sections 6 and 7 of the Benzodiazepines and Other Targeted Substances Regulations, SOR/2000-217 under the Controlled Drugs and Substances Act, S.C. 1996. c. 19; section 43 of the Narcotic Control Regulations, C.R.C., c. 1041 under the Controlled Drugs and Substances Act

- Engaged in conduct or performed an act or acts relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional

Following submissions heard on July 12, 2016, the Panel imposed an Order against the Member which included as follows:

1. A reprimand to occur within 12 months of the date of this Order, failing which it shall occur within 12 months of the date on which the Member successfully applies for registration with the College.
2. The Registrar shall impose the following specified terms, conditions or limitations ("Conditions") on the Member's Certificate of Registration, effective on the date on which he successfully applies for registration with the College:
 - (a) That the Member must complete successfully with an unconditional pass, at his own expense and within 12 months of obtaining a Certificate of Registration, the ProBE Program on Ethics for Healthcare Professionals;
 - (b) That the Member must complete successfully, within 12 months of the date that he successfully completes the ProBE course identified above in paragraph 2(a), a course with Gail E. Siskind Consulting Services, or another professional ethics consultant acceptable to the College, to be designed by the consultant, with the purpose of addressing the professional misconduct issues raised in this case; the following terms shall apply to the course:

- (i) the number of sessions shall be at the discretion of the consultant, but shall be a minimum of 3;
- (ii) the manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
- (iii) the Member shall provide to the consultant his evaluation from the ProBE course, and any essay he completed as part of that course, and discuss with the consultant the issues arising from that course;
- (iv) the Member shall be responsible for the cost of the course;
- (v) the consultant shall agree to confirm to the College once the Member has completed the course to the satisfaction of the consultant;

- (c) That the Member shall be prohibited for a period of three (3) years from the date the Member returns to active practice as a pharmacist in Ontario, from acting as a designated manager at any pharmacy;
- (d) That for a period of twelve (12) months from the date the Member returns to active practice as a pharmacist in Ontario:
 - (i) he shall notify the College in writing of any employment in a pharmacy, which notification shall include the name and address of the employer and the date on which he began or is to begin employment, within seven (7) days of commencing such employment, and
 - (ii) he shall only work for an employer in a pharmacy who provides confirmation in writing from the Designated Manager of the pharmacy to the College, within seven (7) days of him commencing employment at the pharmacy, that the Designated Manager received and reviewed a copy of the panel's decision and reasons in this matter before the Member commenced employment.

3. The Registrar shall suspend the Member's

Certificate of Registration for a period of five (5) months, with two (2) months of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraphs 2(a) and 2(b), above. The suspension shall commence immediately on the date that the Member successfully applies for registration with the College and shall run without interruption for three (3) months. If the Member is required to serve the two (2) month remitted portion of the suspension because he fails to complete the remedial training as specified in paragraphs 2(a) and 2(b), the suspension shall continue for two months from the date the College is notified that the Member has not complete the remedial training specified in paragraphs 2(a) and 2(b).

4. Costs to the College in the amount of \$10,000

The reprimand in this matter is awaiting scheduling.

Member: Said Attalla (OCP #209632)

At a hearing on June 20, 2016 a Panel of the Discipline Committee made findings of professional misconduct against Mr. Attalla with respect to two referrals of specified allegations of professional misconduct made by the Inquiries, Complaints and Reports Committee.

Regarding the first referral of specified allegations of professional misconduct, the Panel made findings against Mr. Attalla with respect to the following:

- That he submitted accounts or charges for services that he knew were false or misleading to the Ontario Drug Benefit program for one or more drugs and/or products;
- That he falsified pharmacy records relating to his practice in relation to claims made to the Ontario Drug Benefit program for one or more drugs and/or products;
- That he dispensed Schedule 1 and/or Schedule F drugs, controlled drugs, narcotics, and/or targeted substances without a prescription and/or proper authorization;
- That he recorded authorizations for prescriptions and/or refills of prescriptions where no such

authorization was given;

- That he dispensed and/or billed for drugs not prescribed or otherwise authorized, and/or not actually dispensed, and/or failed to keep accurate records regarding prescriptions and dispensing transactions.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Failed to keep records as required respecting his patients;
- Falsified records relating to his practice;
- Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement;
- Submitted accounts or charges for services that he knew to be false or misleading;
- Contravened the Pharmacy Act, 1991, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular sections 155 and 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended, and/or s. 2.1 of Ontario Regulation 297/96 made thereunder;
- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular sections 5 and 15(1)(b) of the Ontario Drug Benefits Act, R.S.O. 1990, c. O.10, as amended, and/or Ontario Regulation 201/96 made thereunder, and/or sections C.01.041 and G.03.002 of the Food and Drug Regulations C.R.C., c. 870, as amended, to the Food and Drugs Act, R.S.C. 1985, c. F-27, as amended, and/or section 31 of the Narcotic Control Regulations, C.R.C., c. 1041, as amended, and/or s. 51 of the Benzodiazepines and Other Targeted Substances Regulations, S.O.R./2000-271 under the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended;
- Engaged in conduct or performed an act or acts relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably

be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

Regarding the second referral of specified allegations of professional misconduct, the Panel found that Mr. Attalla:

- Failed to maintain a standard of practice of the profession;
- Permitted, consented to or approved, either expressly or by implication, the commission of an offence against s. 15(1)(b) of the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10, as amended, and/or Ontario Regulation 201/96 made thereunder relating to the practice of pharmacy or to the sale of drugs by a corporation of which he was a director, in respect of certain drugs; and
- Engaged in conduct or performed an act or acts relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand
2. A 30 month suspension of the Member's certificate of registration, with 2 months of the suspension to be remitted on condition that the Member complete the remedial training specified in paragraph 3(a) below.
3. an Order directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration as follows:
 - a. the Member must successfully complete with an unconditional pass, at his own expense and within 12 months of the date the Order is imposed, the ProBE Program on professional / problem-based ethics for health care professionals offered by the Centre for Personalized Education for Physicians;
 - b. for a period of two years the Member shall be prohibited from having a proprietary interest of any kind in a pharmacy, and the Member shall have 60 days from the date of this Order to divest

himself of any such proprietary interests, at which time the two year period shall commence;

- c. the Member's practice and all activities at any pharmacies in which the Member has a proprietary interest of any kind shall be monitored by the College by means of practice assessments by a representative or representatives of the College in such number and at such time or times as the College may determine, for a period of three years, beginning two years from the date of this order and continuing until five years from the date of this order. The practice assessments may be in addition to any of the routine inspections conducted by the College pursuant to the authority of section 148 of the Drug and Pharmacies Regulation Act. The Member shall cooperate with the College during the practice assessments and, further, shall pay to the College in respect of the cost of monitoring, the amount of \$650.00 per assessment, such amount to be paid immediately after completion of each of the assessments, with the total amount paid by the member not to exceed \$10,000.00, regardless of the number of assessments;
- d. for a period of five years from the date the Order is imposed, the Member shall be prohibited from:
 - i. acting as a Designated Manager in any pharmacy; and,
 - ii. receiving any remuneration for his work as a pharmacist other than remuneration based on hourly or weekly rates only or (subject to paragraph (b) above) by reason of having a proprietary interest in a pharmacy;
- e. for a period of five years from the date the Order is imposed, the Member shall be required to notify the College in writing of the name(s), address(es) and telephone number(s) of all pharmacy employer(s) within fourteen days of commencing employment in a pharmacy;
- f. for a period of five years from the date the Order is imposed, the Member shall provide his pharmacy employer with a copy of the Discipline Committee Panel's decision in this matter and its Order; and

g. for a period of five years from the date the Order is imposed, the Member shall only engage in the practice of pharmacy for an employer who agrees to write to the College within fourteen days of the Member's commencing employment, confirming that it has received a copy of the required documents identified above, and confirming the nature of the Member's remuneration.

4. Costs in the amount of \$20,000.

In its reprimand, the Panel noted that the Member stole from the people of Ontario and from the trusted reputation of the profession. The Panel pointed out that the Member undermined the public confidence in pharmacy, put his own needs ahead of the trust of patients, and took advantage of his position in society. The Panel expressed its view that some of the fraud to which the Member admitted was unfathomable. The Panel observed that the Member's actions exemplified disgraceful, dishonourable, and unprofessional conduct. The Panel expressed its anticipation that the discipline proceeding has impressed upon the Member the seriousness of his misconduct.

Member: Ashraf Bebawey (OCP #213897)

At a hearing on June 27, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Bebawey in that he:

- billed one or more third-parties for drugs that he did not actually dispense with respect to certain incidents relating to patient [Patient 1]
- created pharmacy records indicating the dispensing of drugs to patient [Patient 1] without actually dispensing the drugs with respect to certain incidents
- signed prescription hardcopies without verifying the drugs in question with respect to certain incidents relating to patient [Patient 1]
- billed one or more third-parties for drugs whose dispensing had not been authorized by a prescriber, with respect to certain incidents relating to patient [Patient 1]

- created pharmacy records indicating the dispensing of drugs to patient [Patient 1] without having authorization from a prescriber with respect to certain incidents
- signed a prescription hardcopy relating to prescriptions that were not authorized by a prescriber, with respect to certain incidents relating to patient [Patient 1]
- put “as needed” drugs on a weekly dispensing schedule for patient [Patient 1]
- signed reprinted hardcopies as though they were original hardcopies and/or sought to pass reprinted hardcopies off as original with respect to certain incidents
- dispensed weekly compliance packs to patients [Patient 1] and [Patient 2], and charged a dispensing fee on each such occasion, despite being aware that patients [Patient 1] and [Patient 2] picked up their medication monthly, not weekly, with respect to certain identified incidents

In particular, the Panel found that he

- falsified a record relating to his practice
- signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- submitted an account or charge for services that he knew was false or misleading
- contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, section 155 of the Drug and Pharmacies Regulation Act , R.S.O. 1990, c. H-4
- contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, section C.01.041 of the Food and Drug Regulations, C.R.C., c.870, as amended, under the Food and Drugs Act, R.S.C. 1985, c. F-27, as amended
- engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all

the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
 - a. that the Member complete successfully, at his own expense, within 18 months of the date of this Order, the Medication System Safety Review for a Community Pharmacist On-Site Assessment course offered by the Institute of Safe Medication Practices;
 - b. that the Member's practice shall be monitored by the College by means of inspection(s) by a representative or representatives of the College in such number and at such time or times as the College may determine, for a period of 18 months from the date of this order. The Member shall cooperate with the College during the inspections and, further, shall pay to the College in respect of the cost of monitoring, the amount of \$600.00 per inspection to a maximum of 2 inspections, such amount to be paid immediately after completion of each of the inspections.
 - c. that the Member shall be prohibited from acting as a Designated Manager in any pharmacy until the later of 12 months from the date of this Order and the date the College is notified that the Member has successfully completed the course set out in paragraph 2(a) above;
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 10 months, with 2 months of the suspension to be remitted on condition that the Member complete the remedial training as specified in subparagraph 2(a) above.
4. Costs to the College in the amount of \$5,000.

In its reprimand, the Panel noted that this was the Member's second appearance before a panel of

the Discipline Committee, though on separate and unrelated allegations. The Panel pointed out that integrity, trust, and professional conduct are at the core of the practise of pharmacy, and that in return, pharmacists are held in high regard by the people of Ontario. The Panel observed that pharmacy is a self-regulated profession and a privilege, which carries obligations to the public, the profession, and oneself. The Panel noted that the Member took responsibility for his actions and admitted that his conduct was disgraceful, dishonourable, and unprofessional. The Panel agreed that the Member's conduct was unacceptable to both his fellow pharmacists and the public. The Panel expressed its hope that the Member will not appear again before another panel of the Discipline Committee.

Member: Shamik Patel (OCP #106291)

At a hearing on July 15, 2016 a Panel of the Discipline Committee made findings of professional misconduct against Mr. Patel with respect to the following incidents:

- That he sold and/or dispensed prescription drugs, controlled drugs and or narcotics to [DC 1] and/or [DC 2] from on or about November 24, 2014 to on or about January 8, 2015;
- That he sold and/or dispensed prescription drugs, controlled drugs and/or narcotics without a prescription and/or proper authorization to [DC 1] and or [DC 2] on or about December 31, 2014, January 3, 2015 and January 8, 2015 with respect to 40mg Oxyneo pills;
- That he failed to keep accurate records that are consistent with applicable legislation, regulations, policies and standards from on or about January 1, 2013 until on or about January 8, 2015 for certain prescription drugs, controlled drugs and/or narcotics.

In particular, the Panel found that Mr. Patel:

- Failed to maintain a standard of practice of the profession
- Sold or dispensed drugs for an improper purpose
- Contravened the Pharmacy Act, 1991, the Drug and

Pharmacies Regulation Act, the Regulated Health Professions Act, 1991 or the regulations under those Acts, and in particular:

- o sections 153, 155 and 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4
 - Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular:
 - o section 5(1) of the Controlled Drugs and Substances Act, S.C., 1996, c. 19
 - Knowingly permitted the premises to be used for unlawful purposes
 - Permitted, consented to or approved, either expressly or by implication, the commission of an offence against any Act relating to the practice of pharmacy or to the sale of drugs by a corporation of which he was a director
 - Engaged in conduct or performed an act or acts relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional
- The Panel imposed an Order which included as follows:
- A reprimand
 - Directing the Registrar to revoke the Member's certificate of registration; and
 - Costs to the College in the amount of \$1,500.00

In its reprimand, the Panel observed that Mr. Patel betrayed the profession of pharmacy and undercut the public's confidence in the profession. The Panel pointed out that Mr. Patel's misconduct, trafficking, preys upon vulnerabilities in the community and places the public at risk; the Panel noted that this is the antithesis of the role of the pharmacist. The Panel expressed its view that Mr. Patel's conduct was disgraceful, dishonourable, and unprofessional, and was deserving of revocation.

At a hearing on July 26, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Yacoub, with respect to the following incidents that occurred while she was engaged in the practice of pharmacy as director, shareholder, and/or dispensing pharmacist at Total Care Pharmacy in Toronto:

- That she contravened the Pharmacy Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 155 and 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- That she contravened, while engaged in the practice of pharmacy, a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections 5, and 15(1) of the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10, as amended
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable or unprofessional, in connection with identified claims made for drugs and or other products between February 12, 2010 and October 4, 2011.

The Panel imposed an Order which included as follows:

1. A reprimand
2. That the Registrar is directed to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
 - a. That the Member complete successfully with an unconditional pass, at her own expense, within 12 months of the date of this Order, the ProBE Program on professional/problem-based ethics for health care professionals;
 - b. That the Member's practice at each pharmacy of which she is an owner or Director will be monitored by the College for a maximum period

of three years from the date the Order is imposed by means of inspections (practice assessments) by a Community Practice Advisor ("CPA") as the College may determine. These practice assessments may be in addition to any of the routine practice assessments conducted by the College pursuant to the authority of section 148 of the Drug and Pharmacies Regulation Act. The Member shall cooperate fully with the College during the practice assessments, and, further, shall pay to the College the amount of \$1,000 per practice assessment, such amount to be paid immediately after each practice assessment. At each of the Member's pharmacies, if the initial practice assessment conducted under the authority of this Order reveals no cause for concern in the opinion of the CPA, there will be no further practice assessments conducted under the authority of this Order at the pharmacy in question. If the initial practice assessment does reveal cause for concern in the opinion of the College CPA, the practice assessments may continue until the issues are resolved in the opinion of the College CPA or until three years have elapsed, whichever is sooner, with the total number of inspections not to exceed four in any 12 month period. The Member will be liable to pay for no more than six practice assessments overall.

3. That the Registrar suspend the Member's Certificate of Registration for a period of six months, with one month of the suspension to be suspended on condition that the Member complete the remedial training specified in subparagraph 2(a) above.
4. Costs to the College in the amount of \$6,500.

In its reprimand, the Panel noted that the right to practice pharmacy is a privilege that should not be lightly regarded. The Panel pointed out that the public expects that members will maintain high standards of practice, including all aspects of legislation. The Panel related that the Member's lack of attention to detail in this matter was a cause for concern, and that the Member admitted that she did not meet the level of due diligence required of a member of the profession. The Panel noted that it was disturbed that the Member allowed inappropriate billing to go on under her watch, as the owner is responsible for the actions of his or her employees. The Panel observed that the Member's conduct was

unprofessional as it failed to live up to the expected standards of the profession.

Member: Joseph Abd El Maseh (OCP #211264)

After a hearing on May 19-22, 2015, June 3, 2015, and June 19, 2015, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Abd El Maseh in a decision dated June 1, 2016, with respect to the following:

- he failed to provide to the Registrar the details of charges against him under the Criminal Code of Canada, as set out in an information sworn on or about June 3, 2011, namely charges relating to the offence of sexual assault*
- in written and/or electronic material he submitted to the College during the renewal of his certificate of registration in or about February 2012, he indicated to the College that he was not the subject of any current proceeding in respect of any offence in any jurisdiction, whereas he knew this information was false or misleading, in that he was the subject of charges under the Criminal Code of Canada, as set out in an information sworn on or about June 3, 2011

In particular, the Panel found that the Member:

- contravened a term, condition or limitation imposed on his certification of registration
- signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- engaged in conduct relevant to the practice of pharmacy that, having regard to all of the circumstances, would reasonably be disregarded by members of the profession as disgraceful, dishonourable and/or unprofessional

After submissions heard on August 30, 2016, the Panel issued the following Order related to findings of professional misconduct made against Mr. Abd El Maseh in a decision dated June 1, 2016:

1. A reprimand

2. That the Registrar be directed to suspend the Member's certificate of registration for two (2) months, one (1) month of which to be remitted if the member satisfies the conditions set out in paragraph 3.
3. That the Registrar be directed to impose a condition on the Member's certificate of registration that he successfully complete, within 12 months of the date of the order, a course with Gail E. Siskind Consulting Services, or another professional ethics consultant chosen by the College, to be designed by the consultant, but with the general aim of addressing the objectives of professional regulation and the importance to the public interest of complying with a practitioner's regulatory obligations, including complying with reporting requirements to the College. The following terms shall apply to the course:
 - a. The number of sessions shall be at the discretion of the consultant.
 - b. The manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant.
 - c. The Member shall be responsible for the cost of the course.
 - d. Successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the objectives of professional regulation and the importance to the public interest of complying with a practitioner's regulatory obligations, including complying with reporting requirements to the College.
 - e. The essay shall be at least 1000 words in length. The Member shall be responsible for the cost of review by the consultant to assist the Registrar to determine whether the essay is acceptable, up to a maximum of \$500.
4. Costs to the College in the amount of \$5,000

In its reprimand, the Panel noted that it was disturbed by the events in question, particularly as they were under the Member's own control and he

ought to have known better. The Panel indicated that the practice of pharmacy is a privilege, which carries obligations to maintain high professional standards and preserve public trust and safety in a manner that will not compromise the integrity of the profession. The Panel noted that the mandatory reporting requirements rely on the honour system, and any violation is of significant concern to the College and the public. The Panel pointed out that the onus and accountability to report truthfully and accurately rests on the Member alone. The Panel expressed its expectation that the Member now realizes the importance of this responsibility, and that the remediation ordered will make him a better pharmacist.

* Note: these charges were withdrawn at the request of the Crown on or about July 13, 2012.

Member: Eric Henderson (OCP #604883)

At a hearing on October 5, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Henderson with respect to the following:

- That he approved the wrong medications or dosage of medications to be dispensed to the patient, [Name], and/or failed to indicate that counseling of the patient was required, on or about November 14, 2014, and/or failed to follow up appropriately regarding possible dispensing errors regarding the prescriptions for [Name], on or about November 15, 2014.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991 or the regulations under those Acts, and in particular, section 155 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H. 4, as amended, and/or section 4 of O. Reg 58/11, as amended
- Contravened, while engaged in the practice of pharmacy, a federal or provincial law or municipal by-law with respect to the distribution, sale or

dispensing of any drug or mixture of drugs, and in particular, section C.01.041 of the Food and Drug Regulations, C.R.C., c. 870, as amended

- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration that the Member shall complete successfully the following courses and evaluations, at his own expense and within eighteen (18) months of the date of this Order, or provide proof satisfactory to the College that he completed the courses and evaluations within the six (6) month period prior to the date of this Order:
 - a. the Ontario Pharmacists Association program, "Confronting Medication Incidents"; and
 - b. the Institute of Safe Medication Practices Canada program, "Medication Safety for Pharmacy Practice", including Root Cause Analysis and Failure Mode and Effects Analysis.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of two (2) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training specified in sub-paragraphs 2(a) and (b) above
4. Costs to the College in the amount of \$1,000

In its reprimand, the Panel observed that integrity and trust are paramount to the profession, as pharmacists provide care to the public and are, in turn, held in high regard. The Panel noted that the Member's actions were not consistent with the Standards of Practice for pharmacists. The Panel pointed out that all healthcare professionals are expected to conduct themselves in a manner that maintains public confidence and safety. The Panel expressed its expectation that the remediation ordered will result in an improvement to the

Member's practice and will safeguard the public interest.

Member: Martha Fabello (OCP #98876)

At a hearing on November 7, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Fabello with respect to the following incidents:

- Between January 2015 and February 2015, on at least two occasions, she misappropriated narcotics and/or other controlled drugs or substances from the High Park Pharmacy in Toronto

In particular, the Panel found that she

- Failed to maintain the standards of the profession
- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, as follows:
 - a. She contravened section G.03.002 of the Food and Drug Regulations, C.R.C., c. 870, as amended;
 - b. She contravened section 4 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended; and
 - c. She contravened section 31(1) of the Narcotic Control Regulations under the Controlled Drugs and Substances Act
- Engaged in conduct relevant to the practice of pharmacy that, having regard to all of the circumstances, would reasonably be regarded by members of the profession as dishonourable and unprofessional

(Note: Ms. Fabello resigned her membership with the College on October 6, 2015.)

The Panel imposed an Order which included as follows:

1. A reprimand

2. That the Registrar be directed to impose the following specified terms, conditions or limitations on Ms. Fabello's Certificate of Registration if she successfully applies for registration with the College:

- a. that Ms. Fabello shall complete successfully, at her own expense and within twelve (12) months of obtaining a Certificate of Registration, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass;
 - b. that Ms. Fabello shall be prohibited, for a period of sixty (60) months after obtaining a Certificate of Registration, from acting as a Designated Manager or narcotic signer at any pharmacy;
 - c. that for a period of twelve (12) months from the date Ms. Fabello returns to active practice as a pharmacist in Ontario;
 - i. Ms. Fabello shall notify the College in writing of any employment in a pharmacy, which notification shall include the name and address of the employer and the date on which Ms. Fabello began or is to begin employment, within seven (7) days of commencing such employment, and
 - ii. Ms. Fabello shall only work for an employer in a pharmacy who provides confirmation in writing from the Designated Manager of the pharmacy to the College, within seven (7) days of Ms. Fabello commencing employment at the pharmacy, that the Designated Manager received and reviewed a copy of the panel's decision and reasons in this matter before Ms. Fabello commenced employment.
3. That, if she successfully applies for registration with the College, the Registrar be directed to suspend Ms. Fabello's Certificate of Registration for a period of five (5) months, with one (1) month of the suspension to be remitted on condition that Ms. Fabello complete the remedial training exercises set out in subparagraph 2(a) above, as specified. The suspension shall commence immediately on the date that Ms. Fabello becomes a registrant of the College and shall run without interruption for four (4) months. If the balance of the suspension is required to be served by Ms.

Fabello because she fails to complete the program as specified in subparagraph 2(a) above, the suspension shall continue for one month from the date the College is notified that Ms. Fabello has not completed the remedial training in the manner specified in paragraph 2(a) above.

4. Costs to the College in the amount of \$2,500.

In its reprimand, the Panel observed that integrity, trust, and professional conduct are at the core of the practice of Pharmacy. The Panel noted that pharmacists bear the responsibility to ensure that the trust of the public is maintained, and that the practice of pharmacy carries with it obligations to the public, the profession, and oneself.

The Panel observed that Ms. Fabello acknowledged responsibility for her actions. The Panel agreed that her conduct was dishonourable and unprofessional, and that the Order imposed is fair and reasonable. The Panel expressed its belief that Ms. Fabello has learned from this process and its confidence that she will not appear before a panel of the Discipline Committee again.

Member: Joy Abanzukwe (OCP #103497) and Bathurst-Dundas Pharmacy (Accreditation #39244)

At a hearing on December 7 and 8, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Abanzukwe, as pharmacist and Designated Manager at Bathurst-Dundas Pharmacy and Brock Medical Pharmacy, and as sole director and sole shareholder of the corporations that own and operate each pharmacy, with respect to the following incidents:

- She processed prescriptions from Bathurst-Dundas Pharmacy at Brock Medical Pharmacy for billing purposes, including prescriptions for certain identified patients, in or about March-September 2014, and/or for certain other identified patients, in or about August 2015;
- She failed to maintain security; keep accurate records of purchases, sales and remaining inventory; and/or make timely reports of losses to Health Canada in relation to certain identified narcotics and other controlled drugs and targeted

substances, in or about May-October 2014;

- She billed at 7-day or 14-day intervals for medications in blister packs that were actually dispensed to patients at 28-day intervals for certain identified patients, in or about January 2013-October 2014; and/or
- She breached the undertaking given to the College on or about May 31, 2015 by continuing to process prescriptions from Bathurst-Dundas Pharmacy at Brock Medical Pharmacy for billing purposes, including prescriptions for certain identified patients, in or about August 2015, and/or failing to complete recorded audits at Bathurst-Dundas Pharmacy for purchases, sales and remaining inventories of narcotics and other controlled drugs and targeted substances at least every two months, as noted in the Pharmacy Assessment Report dated August 31, 2015.

In particular, the Panel found that Ms. Abanzukwe

- Failed to maintain a standard of practice of the profession
- Failed to keep records as required respecting her patients
- Falsified a record relating to her practice
- Signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement
- Submitted an account or charge for services that she knew was false or misleading
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, section 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended, and sections 54 and/or 56 of O.Reg. 58/11, as amended
- Contravened, while engaged in the practice of pharmacy, a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, section C.01.041 of the Food and Drug Regulations, C.R.C., c. 870, as amended;

sections 38, 40, 42 and/or 43 of the Narcotic Control Regulations, C.R.C., c.1041, as amended; sections 7, 51 and/or 53 of the Benzodiazepines and Other Targeted Substances Regulations, SOR/2000-217, as amended; sections 5, 6, and/or 15 of the Ontario Drug Benefit Act, R.S.O. 1990, c.O.10, as amended; and/or section 27 of O.Reg. 201/96, as amended

- Knowingly permitted the premises in which a pharmacy was located to be used for unlawful purposes
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as dishonourable or unprofessional

At the same hearing, a Panel of the Discipline Committee made findings of proprietary misconduct against Ms. Abanzukwe, as Designated Manager of Bathurst-Dundas Pharmacy and Brock Medical Pharmacy, and as director of Bathurst-Dundas Pharmacy Ltd., c.o.b. Bathurst-Dundas Pharmacy and 2037424 Ontario Inc., c.o.b. Brock Medical Pharmacy, with respect to the following incidents:

- That she continued to process prescriptions from Bathurst-Dundas Pharmacy at Brock Medical Pharmacy for billing purposes, including prescriptions for certain identified patients, in or about August 2015;
- That she failed to complete recorded audits of purchases, sales and remaining inventories at Bathurst-Dundas Pharmacy for narcotics and other controlled drugs and targeted substances at least every two months; and/or
- That she failed to rectify at Bathurst-Dundas Pharmacy the previously identified dispensing, recordkeeping and other practice deficiencies as noted in the Pharmacy Assessment Report dated August 31, 2015

In particular, the Panel found that Ms. Abanzukwe and Bathurst-Dundas Drugs Ltd., as holder of Certificate of Accreditation #39244 for Bathurst Dundas Pharmacy, engaged in conduct or performed an act relevant to the business of a pharmacy that would reasonably be regarded by members as dishonourable with respect to breaching the undertaking given to the College on or about May 31,

2015.

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular that:
 - (a) the Member shall be prohibited, for a period of 2 years from January 9, 2017, from acting as a Designated Manager any pharmacy
 - (b) for a period of 3 years from the date of this Order:
 - (i) the Member shall notify the College in writing of any employment in a pharmacy, other than a pharmacy for which she is effectively the owner, which notification shall include the name and address of the employer and the date on which the Member began or is to begin employment, within seven (7) days of commencing such employment, and
 - (ii) the Member shall only work for an employer in a pharmacy, other than a pharmacy for which she is effectively the owner, who provides confirmation in writing from the Designated Manager of the pharmacy to the College, within seven (7) days of the Member commencing employment at the pharmacy, that the Designated Manager received and reviewed a copy of the following documents before the Member commenced employment:
 - A. a copy of the Notices of Hearing;
 - B. a copy of the Agreed Statement of Facts; and
 - C. a copy of the Joint Submission on Order; or
 - D. a copy of the Decision and Reasons, when available;
 - (c) the Member shall:
 - (i) retain, at the Member's expense, a practice mentor acceptable to the College, within 3 months of the date of the Order (i.e. by March

8, 2017);

(ii) meet with the practice mentor for the purpose of reviewing the Member's practice with respect to reconciliation of narcotics, controlled drugs, and targeted substances, and record keeping in relation to those reconciliations; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:

1. a copy of the Notices of Hearing;
2. a copy of the Agreed Statement of Facts; and
3. a copy of the Joint Submission on Order; or
4. a copy of the Decision and Reasons, when available;

(iii) develop a learning plan to address the issues of reconciliation of narcotics, controlled drugs, and targeted substances, and record keeping in relation to those reconciliations;

(iv) meet with the practice mentor at the mentor's place of practice no less than once every three months to address the matters set out in the learning plan, until the goals of the learning plan have been achieved, in the opinion of the mentor; and

(v) require the practice mentor to report the results of the mentorship meetings to the Manager, Investigations and Resolutions at the College, after their completion, which shall be no later than two years after the date of the Order (i.e. December 8, 2018);

(d) the Member shall successfully complete, within 12 months of the date of the order, a course with Gail E. Siskind Consulting Services, or another professional ethics consultant chosen by the College, to be designed by the consultant, but with the general aim of addressing ethical issues for regulated healthcare professionals. The following terms shall apply to the course:

(i) the number of sessions shall be at the discretion of the consultant;

(ii) the manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;

(iii) the Member shall provide the consultant with the following documents related to this proceeding:

1. a copy of the Notices of Hearing;
2. a copy of the Agreed Statement of Facts; and
3. a copy of the Joint Submission on Order; or
4. a copy of the Decision and Reasons, when available;

(iv) the Member shall be responsible for the cost of the course;

(v) successful completion of the course shall be determined by the ethics consultant, based on the design of the course; and

(vi) the Member shall require the ethics consultant to report the results of the course to the Manager, Investigations and Resolutions at the College, after their completion, which shall be no later than 12 months after the date of the Order;

(e) the Member's practice and all activities at any pharmacies in which the Member has a proprietary interest of any kind will be monitored by the College for a period of two years from the date the Order is imposed by means of inspections by a representative of the College at such times as the College may determine. The monitoring inspections may be in addition to any of the routine inspections conducted by the College pursuant to the authority of section 148 of the Drug and Pharmacies Regulation Act. The Member shall cooperate fully with the College during the inspections, and, further, shall pay to the College in respect of such monitoring the amount of \$1,000.00 per inspection, such amount to be paid immediately after each inspection, with the total number of inspections for which the Member is required to pay this

cost not to exceed four.

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 5 months, with 2 months of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2(c) and 2(d) above. The suspension shall commence on January 9, 2017, and shall continue until April 8, 2017, inclusive. If the balance of the suspension is required to be served by the Member because she fails to complete the remedial training specified in paragraph 2(c) and 2(d) above, the balance of the suspension shall commence on December 10, 2018, and continue until February 9, 2019, inclusive.
4. The Member shall pay costs to the College in the amount of \$5,000, payable in quarterly installments of \$1,250 each.

In its reprimand, the Panel noted that integrity and trust are paramount to the profession of pharmacy, as pharmacists provide care to the public and, in return, are held in high regard for their role in the provision of healthcare in Ontario. The Panel noted that self-regulation is a privilege that carries significant obligations. The Panel related that it takes the subject matter of the Undertaking and the Member's failure to adhere to it very seriously. The Panel expressed its trust that the disciplinary process will cause the Member to reflect on her practice and motivate her to make changes.

Member: Robert Brown (OCP #62499)

The College brought a motion before a Panel of the Discipline Committee to stay allegations of professional misconduct against Mr. Brown. The allegations are as follows:

- That on or about July 9, 2012, while listed in Part B of the register, he provided care to patients and/or dispensed drugs at Health-Care Pharmacy in Sudbury, Ontario, contrary to the terms, conditions and limitations imposed on his certificate of registration;
- That in or about June 2013 and August 2013, while listed in Part B of the register, he provided care to patients and dispensed drugs at MMT Centre

Pharmacy in Oakville, Ontario, contrary to the terms, conditions and limitations imposed on his certificate of registration, whereas he had been specifically reminded by staff of the College, in or about August 2012, that as a pharmacist registered in Part B, he was prohibited from doing so;

- That on or about July 9, 2012, in dispensing drugs pursuant to prescriptions at Health-Care Pharmacy in Sudbury, Ontario, for various prescriptions he:
 - i. failed to sign the hardcopy;
 - ii. failed to document dialogue with the patient;
 - iii. failed to document the original authorization, or to attach the original authorization to the hardcopy;
 - iv. failed to ensure that the correct prescriber, or the correct name and contact information of the prescriber, was entered;
 - v. failed to ensure that correct repeats were entered;
 - vi. reduced the quantity of the drug without authorization;
 - vii. dispensed the incorrect drug; and/or
 - viii. dispensed a narcotic prior to the interval due date.

In particular, it is alleged that he:

- Contravened a term, condition or limitation imposed on his certificate of registration, and specifically the terms set out in s. 9(1), paragraphs 1 and 2 of Ontario Regulation 202/94;
- Failed to maintain the standards of the profession;
- Contravened the Pharmacy Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991 or the regulations under those Acts, and specifically, s. 156 of the Drug and Pharmacies Regulation Act;
- Engaged in conduct relevant to the practice of pharmacy that, having regard to all of the

circumstances, would reasonably be disregarded by members of the profession as disgraceful, dishonourable and/or unprofessional.

The College brought the motion before a Panel of the Discipline Committee (the “Panel”) in light of the fact Mr. Brown has not practised pharmacy for a significant period of time, and also in light of the fact that his Certificate of Registration has been cancelled.

Accordingly, the College made a motion to the Panel to issue an Order for a stay of the allegations of professional misconduct against Mr. Brown. The Panel issued an Order dated December 9, 2016, staying the allegations of professional misconduct against Mr. Brown. The Panel issued this Order on the basis of the reasons set out above, and because continuation of the matter by way of a formal hearing would not be in the interest of the public, the profession or Mr. Brown, and because the primary objective of the College, public protection, is served as a result of fact that Mr. Brown is no longer practising pharmacy and no longer holds a Certificate of Registration from the College.

Member: Herman Szeto (OCP #113220)

At a hearing on December 16, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Szeto with respect to the following:

- That he failed to exercise appropriate professional diligence with respect to the dispensing of fentanyl, which resulted in him filling forged prescriptions without making appropriate inquiries, including one or more of certain identified prescriptions
- That he dispensed narcotics pursuant to certain identified prescriptions without submitting the required information to the Narcotics Monitoring System as required by s. 8 of the Narcotics Safety and Awareness Act, 2010, S.O. 2010, c.22, and the Notice issued thereunder

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession

- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular:

- o Section 155 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, as amended, and/or section 40 of O.Reg. 58/11, R.S.O. 1990, c.H.4

- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular:

- o Section 31 of the Narcotic Control Regulations, C.R.C., c.1041, as amended, under the Controlled Drugs and Substances Act, S.C. 1996, c. 19, as amended

- o Section 8 of the Narcotics Safety and Awareness Act, 2010, S.O. 2010, c.22

- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. That the Registrar is directed to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
 - (a) that the Member complete successfully with an unconditional pass, at his own expense, within 12 months of the date of this Order, the ProBE Program on professional/problem-based ethics for health care professionals;
 - (b) That the Member:
 - (i) retain, at the Member's expense, a practice mentor acceptable to the College, within three (3) months of the date of this Order;
 - (ii) meet at least three (3) times with the practice mentor, at the mentor's place of practice, for the purpose of reviewing the Member's

practice with respect to detecting forged prescriptions and conducting narcotic inventory reconciliations, and identifying areas in the Member's practice with respect to these issues that require remediation; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:

- 1) a copy of the Notice of Hearing;
 - 2) a copy of the Agreed Statement of Facts;
 - 3) a copy of this Joint Submission on Order;
 - 4) a copy of the Report of Investigation; and
 - 5) a copy of the Decision and Reasons, when available.
 - (iii) develop a learning plan to address the areas requiring remediation;
 - (iv) demonstrate to the practice mentor that the Member has achieved success in meeting the goals established in the learning plan; and
 - (v) require the practice mentor to report the results of the mentorship meetings to the Manager, Investigations and Resolutions at the College, after their completion, which shall be no later than twelve (12) months from the date of this Order.
3. That the Registrar will be directed to suspend the Member's certificate of registration for a period of three (3) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training specified in sub-paragraph 2 (a) above. The suspension shall commence on December 16, 2016 and shall continue until February 15, 2017, inclusive. If the balance of the suspension is required to be served by the Member because he fails to complete the remedial training specified in subparagraph 2(a) above, the balance of the suspension shall commence on December 18, 2017 and continue until January 17, 2018, inclusive.
4. Costs in the amount of \$3,000.

In its reprimand, the Panel noted that the practice

of pharmacy is a privilege, at the core of which are integrity, trust, professional conduct, and the delivery of safe care to the public. The Panel pointed out that, in return, pharmacists are held in high regard by the people they serve. The Panel observed that the Member betrayed the public trust, and also that he acknowledged responsibility for his actions. The Panel expressed its expectation that the Member will take his shortcomings to heart and fulfill his commitment to making the necessary improvements and fulfilling the core elements of pharmacy practice.

Member: Robert Awad (OCP #208436)

At a hearing on December 5, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Awad with respect to the following incidents:

- He dispensed certain identified drugs in doses, quantities, and/or frequencies that were unsafe and/or inappropriate;
- He failed to adequately document the steps taken and/or the clinical reasoning that justified dispensing certain identified drugs in exceptionally high doses, quantities, and/or frequencies;
- On or about July 19, 2012, he dispensed drugs in advance of the interval originally specified by the prescriber and/or in advance of the expiry of the prior prescription's dosing period without adequately documenting the reasons for the early release, with respect to Rx No. N015197;
- On or about May 23, 2013, he dispensed drugs in advance of the interval originally specified by the prescriber and/or in advance of the expiry of the prior prescription's dosing period without authorization from the prescriber and/or without adequately documenting the reasons for the early release, with respect to Rx Nos. N022003, N022004, N022005, N022006, N022007, and N022008;
- He dispensed certain identified drugs without accurately and/or properly recording the Drug Identification Number on the prescription hardcopy and/or label;
- He failed to adequately document the actions

taken in response to, and/or the reasons for not taking any action in response to, certain identified Narcotic Monitoring System alerts.

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession
- Failed to keep records as required respecting his patients
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, section 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular, requiring the Member to:
 - a. complete successfully, at his own expense, within six months of the date of this Order, a session with Gail Siskind, expert in ethical issues for regulated health care professionals, or such other expert as is acceptable to the College, regarding the issues raised by the facts and findings of professional misconduct in this case, including the role of pharmacists in monitoring, advising on, and recommending changes to, patients' medication therapy; in order to successfully complete the session, the Member must ensure that the expert delivers to the Manager, Investigations and Resolutions, a report on the results of the session;
 - b. retain, at the Member's expense, Beth Sproule as a practice mentor (or such other practice mentor as is acceptable to the College) within three months of the date of this Order;

- c. meet at least three times with the practice mentor, at the mentor's place of practice, for the purpose of reviewing the Member's practice with respect to narcotic dispensing and any other issues raised by the facts and findings of professional misconduct in this case, and identifying areas in the Member's practice with respect to these issues that require remediation; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:
 - i. a copy of the Notice of Hearing;
 - ii. a copy of the Agreed Statement of Facts;
 - iii. a copy of the Joint Submission on Order;
 - iv. a copy of the Report of Investigation dated March 11, 2015; and
 - v. a copy of the Decision and Reasons, when available.
 - d. develop with the practice mentor a learning plan to address the areas requiring remediation;
 - e. demonstrate to the practice mentor, in a manner directed by and acceptable to the practice mentor, that the Member has achieved success in meeting the goals established in the learning plan; and
 - f. ensure that the practice mentor reports the results of the mentorship program to the Manager, Investigations and Resolutions at the College, after its completion, which shall be no later than twelve (12) months from the date of this Order.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 3 months, with 2 months of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2 above. The suspension shall commence on December 5, 2016 and shall continue until January 4, 2017, inclusive. If the balance of the suspension is required to be served by the Member because he fails to complete the remedial training specified in paragraph 2 above, the balance of the suspension shall

commence on December 5, 2017, and continue until February 4, 2018, inclusive.

4. Costs to the College in the amount of \$3,750.

In its reprimand, the Panel noted that Pharmacy is a self-regulating profession and that there is a responsibility to ensure that the trust of members and the public is preserved. The Panel observed that the practise of Pharmacy is a privilege that carries significant obligations to the public, profession, and oneself. The Panel emphasized that the provision of narcotics carries additional responsibilities. The Panel expressed its concern that the Member failed in his responsibilities by dispensing narcotics without questioning the outcome and potential harm that could occur.

Member: Ayman Wasef (OCP #210012)

At a hearing on December 5, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Wasef with respect to the following incidents:

- He dispensed certain identified narcotics in doses, quantities, and/or frequencies that were unsafe and/or inappropriate;
- He failed to adequately document the steps taken and/or the clinical reasoning that justified dispensing certain identified narcotics in exceptionally high doses, quantities, and/or frequencies;
- He dispensed certain identified narcotics in advance of the interval originally specified by the prescriber and/or in advance of the expiry of the prior prescription's dosing period without adequately documenting the reasons for the early release;
- He permitted to be dispensed and/or condoned the dispensing of certain identified drugs without taking adequate steps to ensure that the Drug Identification Number was accurately and/or properly recorded on the prescription hardcopy and/or label;
- He failed to adequately document the actions

taken in response to, and/or the reasons for not taking any action in response to, certain identified Narcotic Monitoring System alerts.

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession
- Failed to keep records as required respecting his patients
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts, and in particular, sections 155 and/or 156 of the Drug and Pharmacies Regulation Act , R.S.O. 1990, c. H-4, as amended
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular, requiring the Member to:
 - a. complete successfully, at his own expense, within six months of the date of this Order, a session with Gail Siskind, expert in ethical issues for regulated health care professionals, or such other expert as is acceptable to the College, regarding the issues raised by the facts and findings of professional misconduct in this case, including the role of pharmacists in monitoring, advising on, and recommending changes to, patients' medication therapy; in order to successfully complete the session, the Member must ensure that the expert delivers to the Manager, Investigations and Resolutions, a report on the results of the session;
 - b. retain, at the Member's expense, Beth Sproule as a practice mentor (or such other practice mentor as is acceptable to the College) within three

months of the date of this Order;

- c. meet at least three times with the practice mentor, at the mentor's place of practice, for the purpose of reviewing the Member's practice with respect to narcotic dispensing and any other issues raised by the facts and findings of professional misconduct in this case, and identifying areas in the Member's practice with respect to these issues that require remediation; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:
 - i. a copy of the Notice of Hearing;
 - ii. a copy of the Agreed Statement of Facts;
 - iii. a copy of the Joint Submission on Order;
 - iv. a copy of the Report of Investigation dated March 11, 2015; and
 - v. a copy of the Decision and Reasons, when available.
 - d. develop with the practice mentor a learning plan to address the areas requiring remediation;
 - e. demonstrate to the practice mentor, in a manner directed by and acceptable to the practice mentor, that the Member has achieved success in meeting the goals established in the learning plan; and
 - f. ensure that the practice mentor reports the results of the mentorship program to the Manager, Investigations and Resolutions at the College, after its completion, which shall be no later than twelve (12) months from the date of this Order.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 3 months, with 2 months of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2 above. The suspension shall commence on a date to be determined between the parties that shall be no later than April 5, 2017. For clarity, if the suspension has not already commenced by April

5, 2017, it shall commence on that date. If the balance of the suspension is required to be served by the Member because he fails to complete the remedial training specified in paragraph 2 above, the balance of the suspension shall commence on December 5, 2017, and continue until February 4, 2018, inclusive.

4. Costs to the College in the amount of \$3,750.

In its reprimand, the Panel noted that pharmacy is a self-regulating profession and that there is a responsibility to ensure that the trust of the members and the public is maintained. The Panel noted that the practise of pharmacy is a privilege that carries significant obligations to the public, profession, and oneself, and that the Member, as Designated Manager, has additional accountabilities to ensure that safe practices are carried out. The Panel emphasized that the provision of narcotics carries additional responsibilities. The Panel expressed its concern that the Member failed in his responsibilities both as a Designated Manager and as a pharmacist by dispensing narcotics without questioning the outcome and potential harm that could occur.