



Ontario College  
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# APPENDIX A

# DISCIPLINE CASE SUMMARIES 2018



A notation and summary of the discipline finding is available on the pharmacy professional's profile on the Find a Pharmacy or Pharmacy Professional tool on the College's website. Once complete, the full written decision for each hearing is available on [www.canlii.org](http://www.canlii.org).

**Joseph Hanna** (OCP #209868)

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At a hearing on January 15, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Hanna with respect to the following:

- The conduct of soliciting financial support through Advertising Services from [Organization], in or about the period from April 1, 2013 to December 31, 2015, as described in the Agreed Statement of Facts presented in the hearing, when tied or linked to the purchase of listed or interchangeable products in Ontario, which could be regarded as constituting a rebate subsection 12.1(3) of the Drug Interchangeability and Dispensing Fee Act, R.S.O. 1990, c. P23, and/or s. 11.5(3) of the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10

In particular, the Panel found that he

- 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 the following terms, conditions and limitations on the Member's Certificate of Registration:
  - a. that the Member pass, within 12 months of the date of this Order and at his own expense, the Ontario College of Pharmacists' Jurisprudence Exam;
3. That a fine in the amount of \$20,000 shall be paid to the Minister of Finance within 90 days of the date of this Order;
4. Costs to the College in the amount of \$30,000.

In its reprimand, the Panel noted that the Member is part of the honorable profession of Pharmacy. The Panel observed that pharmacy is a self-regulated profession and the Member bears the responsibility of following the standards of

practice and the relevant laws and regulations.

The Panel noted that, as a Member holding an executive position, business interests should always be conducted with integrity, honesty, and transparency. The Panel reminded the Member that he is a member of this profession first, and businessmen second.

The Panel indicated that the practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession and to oneself. Through his conduct, the Member failed in his obligations by engaging in unprofessional conduct with respect to requesting and accepting rebates.

**Lawrence Varga** (OCP # 608565)

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At a hearing on January 15, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Varga with respect to the following:

- The conduct of soliciting financial support through Advertising Services from [Organization], in or about the period from April 1, 2013 to December 31, 2015, as described in the Agreed Statement of Facts presented in the hearing, when tied or linked to the purchase of listed or interchangeable products in Ontario, which could be regarded as constituting a rebate subsection 12.1(3) of the Drug Interchangeability and Dispensing Fee Act, R.S.O. 1990, c. P23, and/or s. 11.5(3) of the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10

In particular, the Panel found that he

- 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 the following terms, conditions and

limitations on the Member’s Certificate of Registration:

- a. that the Member pass, within 12 months of the date of this Order and at his own expense, the Ontario College of Pharmacists’ Jurisprudence Exam;
- 3. That a fine in the amount of \$20,000 shall be paid to the Minister of Finance within 90 days of the date of this Order;
- 4. Costs to the College in the amount of \$30,000.

In its reprimand, the Panel noted that the Member is part of the honorable profession of Pharmacy. The Panel observed that pharmacy is a self-regulated profession and the Member bears the responsibility of following the standards of practice and the relevant laws and regulations.

The Panel noted that, as a Member holding an executive position, business interests should always be conducted with integrity, honesty, and transparency. The Panel reminded the Member that he is a member of this profession first, and businessmen second.

The Panel indicated that the practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession and to oneself. Through his conduct, the Member failed in his obligations by engaging in unprofessional conduct with respect to requesting and accepting rebates.

**Manish Patel** (OCP #605365)

After a hearing held on December 9 and 10, 2015, and January 12, 13, and 19, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Patel in a decision dated December 19, 2016, with respect to the following incidents:

That he prepared false documents and/or submitted false claims to the Ontario Drug Benefit Plan and/or ESI for the patient, C.S., regarding the following transactions:

- (a) Novamax glucometer on or about May 19, 2011;

- (b) Meds Check on or about June 7, 2011;
- (c) 100 Nova Max test strips on or about December 5, 2011;
- (d) Novamax glucometer on or about May 19, 2012; and/or
- (e) Meds Check on or about June 7, 2012.

In particular, the Panel found that he

- 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;
- 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.

Following a further hearing day held on January 12, 2018, the Panel made further findings of professional misconduct against Mr. Patel with respect to the following incidents:

- That he submitted false claims for MedsCheck services not actually provided;
- That he submitted claims for MedsCheck services in relation to the patients who did not meet the eligibility criteria for MedsCheck services;
- That he failed to document and/or retain records regarding MedsCheck services as required by the MedsCheck program and pharmacy regulations;
- That he falsified the signatures of patients on MedsCheck review forms; and/or

- That he falsified records for MedsCheck services.

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;
- 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 and 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 requiring:
  - a. that the Member shall complete successfully, at his own expense:
    - i. 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, and
    - ii. the ProBE Plus Program, within twenty-four (24) months of the date of this Order;
  - b. that the Member shall be prohibited from acting as the Designated Manager at any pharmacy for a period of three (3) years from February 11, 2018;

- c. that the Member shall appoint a Designated Manager approved by the Manager, Investigations & Resolutions for any pharmacy in which he has a proprietary interest for a period of three (3) years from February 11, 2018;
- d. that the Member's practice, and the operation of any pharmacy in which he has a proprietary interest, will be monitored by the College for a period of three (3) years 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 \$1,000.00 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.
- e. the Registrar is empowered, in her discretion, to grant a request for an extension of time to complete the remedial steps set out in paragraph 2(a), if the Registrar is of the view that it would be in the interests of fairness to do so and that it would not be contrary to the College's mandate to serve and protect the public interest.

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 12 months, with 3 months of the suspension to be remitted on condition the Member complete the remedial training program as specified in paragraph 2(a) above. The suspension shall commence on February 11, 2018 and continue without interruption until November 10, 2018. If the remitted portion of the suspension has to be served because the Member fails to complete the ProBE Program as specified in subparagraph 2(a)(i)

above, the further suspension shall commence on January 13, 2019 and continue without interruption until April 12, 2019. If the remitted portion of the suspension has to be served because the Member fails to complete the ProBE Plus Program as specified in subparagraph 2(a)(ii) above, the further suspension shall commence on January 13, 2020 and continue without interruption until April 12, 2020. If the time for completing the remedial steps in paragraph 2(a)(i) or (ii) above is extended by the Registrar, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.

- 4. Requiring the Member to pay costs to the College in the amount of \$45,000.00 in accordance with the following schedule for payment:
  - a. \$5,000.00 by cheque post-dated to March 16, 2018, to be provided on the date of the hearing;
  - b. \$10,000.00 by certified cheque or bank draft no later than January 10, 2019;
  - c. \$10,000.00 by certified cheque or bank draft no later than February 10, 2019;
  - d. \$10,000.00 by certified cheque or bank draft no later than March 10, 2019; and
  - e. \$10,000.00 by certified cheque or bank draft no later than April 10, 2019.

In its reprimand, the Panel noted that the Member has stolen from the people of Ontario, betrayed the profession, and undercut the public’s confidence in the profession.

The Panel observed that as a pharmacist, the Member provides care to the public and, in return, he is held in high regard for the role played in the provision of healthcare in Ontario. The Panel indicated that it was extremely disappointed in the Member.

The Panel related that the Member’s actions exemplify disgraceful, dishonourable, and unprofessional conduct, and that his misconduct has had a detrimental impact on pharmacists’ professional relationships with the public they serve.

The Panel expressed its expectation that the Member now understands the seriousness and magnitude of his misconduct, and that he will not be before a panel of the Discipline Committee again.

Finally, the Panel observed that the Member has brought shame upon himself and his family.

**Zoltan Wighardt** (OCP #101036)

At a hearing on January 5, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Wighardt with respect to the following incidents:

- In or about the summer of 2008, after having sexual intercourse with an employee of the Pharmacy, he provided her with Plan B (levonorgestrel), an emergency contraceptive, and directed her to take it;
- He contributed to an uncomfortable work environment for employees of the Pharmacy, including, from time to time, intimidating and harassing them, and engaging in a violent outburst on or about December 2, 2015;
- From time to time he brought weapons into the Pharmacy, including a rifle, handguns and machetes; and
- On more than one occasion he removed a handgun from its case while on the premises of the Pharmacy, in the presence of staff of the Pharmacy.

In particular, the Panel found that he

- Failed to maintain the standards of practice of the profession; and
- 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 disgraceful, dishonourable and unprofessional.



The Panel imposed an Order which included as follows:

1. A reprimand
2. That the Registrar be directed to impose the following conditions on the Member's certificate of registration:
  - a. that the Member shall successfully complete, with an unconditional pass, 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 and any related evaluations offered by the Centre for Personalized Education for Physicians;
  - b. that the Member shall successfully complete, within twenty-four (24) months of the date of this 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 professional conduct issues raised by the facts of this case. 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 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 Member will request a report from the consultant confirming that the Member has completed the course to the satisfaction of the consultant, and the Member will provide a copy of the report to the College within twenty-four (24) months of the date of this Order.
  - c. that the Member shall successfully complete, at his own expense, and within twenty-six (26) months of the date of this Order, the ProBE Plus Program on Ethics for Healthcare Professionals;
  - d. that the Member shall be prohibited, for a period of three (3) years from the date the Order is imposed, from acting as a Designated Manager in any pharmacy, and from acting as sole proprietor of a pharmacy, a partner in a partnership that owns a pharmacy, or a director of a corporation that owns a pharmacy.
  - e. for a period of two (2) years commencing on June 6, 2018:
    - 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 he began or is to begin employment, within seven (7) days of commencing such employment;
    - 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 he commenced employment;
    - iii. the terms in clauses 2(f)(i) and (ii) shall apply even if the Member's employment in the pharmacy is as a relief pharmacist;
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of six (6) months of which one (1) month shall be remitted upon the Member successfully completing the remedial training as specified in subparagraphs 2(a), (b) and (c) above. The suspension shall commence on January 6, 2018, and run until June 5, 2018, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial training specified in subparagraph 2(a), the remainder of the suspension shall commence on January 6, 2019, and continue until February 5, 2019, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial training specified in subparagraph 2(b), the remainder of the suspension shall commence on January 6, 2020, and continue until February 5, 2020, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial training specified in subparagraph 2(c), the remainder of the suspension shall commence on March 6, 2020, and continue until April 5, 2020, inclusive.

In its reprimand, the Panel noted that the Member is part of the honourable

profession of Pharmacy. Integrity, trust, and professional conduct are at the core of the practice of pharmacy and the delivery of care to the public. Pharmacists bear the responsibility to ensure that they maintain the trust of the members and the public they serve.

The Panel expressed the expectation that all pharmacists treat colleagues with respect and act as a positive role model. The Panel related that the Member's conduct with his colleague, who was in a vulnerable position, was reprehensible and breached professional boundaries, both as a manager and as a pharmacy professional.

The Panel found it highly disturbing that the Member would bring weapons to the pharmacy, where the provision of healthcare to the public takes place, with total disregard for the effects this may have on his staff. This also created an unsafe work environment for his pharmacy staff and for the patients he serves.

The Panel pointed out that, although this was his first appearance before a panel of the Discipline Committee, these actions cannot be condoned. The Panel expressed its expectation that the Member has learned from the experience, will complete the remedial courses, and will return to the profession with an understanding of professional boundaries and conduct that would be expected of a member of this College.

### **Wieslawa (Vivian) Lewna** (OCP #204360)

At a hearing on October 19, 2017, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Lewna with respect to the following incidents:

- On or about October 15, 2015, she dispensed a prescription for Oxycodone CR 80mg in doses and/or quantities that were clinically questionable, without taking and/or documenting any steps to assess the propriety of the prescription;
- On or about October 15, 2015, she dispensed a prescription for four benzodiazepines in doses and/or quantities and/or combinations that were clinically questionable, without taking and/or documenting any steps to assess the propriety of the prescription;

- Between about January 19, 2016 and May 10, 2016, she dispensed drugs pursuant to a prescription for client [Patient A] in smaller quantities than prescribed, without written authorization from the person presenting the prescription, contrary to s. 9(1) of the Drug Interchangeability and Dispensing Fee Act, R.S.O. 1990, c. P.23;
- On or about May 24, 2016, she performed the controlled act of prescribing a drug in circumstances where she was not authorized by a health profession act to do so and was otherwise without authorization to do so, with respect to her prescribing of four benzodiazepines;
- On or about May 24, 2016, she performed the controlled act of prescribing a drug without doing the following, which she was required to do:
  - Notifying the patient's prescriber that she renewed the patient's prescription, and/or recording in the patient's record the date on which she notified the patient's prescriber;
  - Recording all of the information on the prescription and/or the patient record required by ss. 37 and 38 of O. Reg. 202/94 made under the Pharmacy Act, 1991, S.O. 1991, c. 36

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, ss. 36, 37, and 38 of O. Reg. 202/94, as amended, made under the Act, and/or s. 27 of the Regulated Health Professions Act, 1991, and/or s. 4(2) of the Act
- 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, s. 9(1) of the Drug Interchangeability and Dispensing Fee Act, R.S.O. 1990, c. P.23, and s. 51(1) of the Benzodiazepines and Other Targeted Substances Regulations, SOR/2000-217, made under the Controlled Drugs and Substances Act, S.C. 1996, c. 19
- 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

On January 8, 2018, the Panel imposed an Order which included as follows:

1. A reprimand.
2. The Registrar impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
  - a) that the Member complete successfully, within twelve months of the date of this Order, a program with Gail Siskind, an expert in ethical issues for regulated health care professionals, or such other expert as is acceptable to the College, to be designed by the expert, 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; and the following terms shall apply to the course:
    - i) the number of sessions shall be at the discretion of the expert, but shall be a minimum of 2 meetings and a maximum of 3 meetings;
    - 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 expert, but shall ultimately be at the discretion of the expert;
    - iii) the Member shall be responsible for the cost of the course;
    - iv) the Member shall provide to the expert the following documents, in advance of the course, to facilitate the design of the course:
      - i. the Notice of Hearing;
      - ii. the Agreed Statement of Facts;
      - iii. this Joint Submission on Order; and
      - iv. the Panel's Decision and Reasons, if and when available; and
    - v) the Member will request a report from the expert confirming that the Member has successfully completed the program requirements to the

satisfaction of the expert, and the Member will provide a copy of the report to the College within twelve (12) months of the date of this Order.

- b) that the Member complete successfully, at her own expense, within twelve months of the date of this Order, the following course and evaluations: Safe and Effective Use of Opioids for Chronic Non-cancer Pain, offered by the Centre for Addiction and Mental Health;
  - c) that the Member undergo a Practice Review performed by a Community Practice Assessor employed by the College; the initial Practice Review assessment shall be performed within six months of the date of this Order; the Member shall complete any re-assessments, learning plans, or other follow-up steps arising from the Practice Review as required and within the times required as part of the Practice Review;
3. The Registrar suspend the Member's Certificate of Registration for a period of 1 month, with the suspension to be fully remitted on condition that the Member complete the remedial training as specified in subparagraphs 2(a), and (b) above.
  4. Costs to the College in the amount of \$4,000.00.

In its reprimand, the Panel noted that pharmacy is an honorable and self-regulated profession, and that pharmacists bear the responsibility of following the standards of practice and accompanying laws and recommendations for detailed record keeping and documentation.

The Panel observed that pharmacists are called upon every day to make decisions and communicate with prescribers. But, in doing so, they must always stay within their scope of practice and understand those limits.

The Panel noted that, in the changing practice climate in which pharmacists find themselves, clinical acumen is paramount in keeping patients safe, especially when it comes to potentially addictive, high risk, and over prescribed medications.

The Panel expressed its hope that this Order and the discipline process will deter similar conduct in the future.



**Susan Janssens** (OCP #94811)

At a hearing on January 24, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Janssens with respect to:

- submitting claims and/or dispensing medications not required for certain identified patients, and submitting claims and/or dispensing medications at shorter intervals than prescribed for certain identified patients

In particular, the Panel found that she

- failed to maintain a standard of practice of the profession
- 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

Ms. Janssens agreed to permanently resign as a member of the College while this discipline proceeding was pending.

The Panel imposed an Order which included as follows:

1. A reprimand
2. Costs to the College in the amount of \$4,000.00

In its reprimand, the Panel noted that members of the public hold pharmacists in high regard, and that as a pharmacist, Ms. Janssens failed in her professional obligation to conduct herself in a manner that is respectable, responsible, and maintains public confidence.

The Panel observed that pharmacy is a self-regulated profession; members have a responsibility to ensure that the public is adequately protected and to maintain the public’s confidence in their ability to govern themselves.

The Panel pointed out that Ms. Janssens was expected to uphold the standards of practice of pharmacy, especially as a designated manager, which comes with additional responsibilities. As a designated manager, adequate supervision of the pharmacy is important to ensure that the pharmacy adheres to all applicable laws and regulations.

The results of Ms. Janssen’s misconduct is that she has let down the public, the pharmacy profession and herself. The Panel expressed its confidence that her decision to permanently resign will ensure the public is protected.

**Mukesh Khunt** (OCP #614354)

At a hearing on March 1, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Khunt with respect to the following incidents:

- He was found guilty, on March 7, 2014 by the United States District Court for the Eastern District of Michigan in relation to the following counts:
- Count 1: Health Care Fraud Conspiracy (18 U.S.C. § 1349 and 1347)
- Count 7: Health Care Fraud, Aiding and Abetting (18 U.S.C. § 1347 and 2)
- Count 8: Health Care Fraud, Aiding and Abetting (18 U.S.C. § 1347 and 2)
- Count 11: Conspiracy to Distribute Controlled Substances (21 U.S.C. § 846 and 841(b)(1)(C))
- Count 17: Distribution of Controlled Substances, Aiding and Abetting (21 U.S.C. § 841(a)(1), 841(b)(1)(D) and 2)
- Count 18: Distribution of Controlled Substances, Aiding and Abetting (21 U.S.C. § 841(a)(1), 841(b)(1)(D) and 2)
- He knowingly participated in a fraudulent scheme in connection with his work as a pharmacist in the organization run by [Name] from approximately August 2010 to August 2011

In particular, the Panel found that he:

- Was found guilty of an offence that is relevant to his suitability to practise

- 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 and 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 shall complete successfully, at his own expense:
    - i. 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; and
    - ii. The ProBE Plus Program, within twenty-six (26) months of the date of this Order
  - b. that the Member shall be prohibited, for a period of 3 years to commence on March 1, 2018, from:
    - i. Having any proprietary interest in a pharmacy of any kind;
    - ii. Acting as a Designated Manager in any pharmacy;
    - iii. Receiving any remuneration for his work as a pharmacist other than remuneration based only on hourly or weekly rates, and not on the basis of any incentive or bonus for prescription sales. For clarity, this does not prohibit the Member from receiving compensation for travel or accommodation when working as a relief pharmacist.
3. That the Registrar suspend the Member's Certificate of Registration for a period of three months, with one month of the suspension to be remitted on condition that the Member complete the remedial training specified in paragraph 2(a), above. The suspension shall commence on March 1, 2018 and shall continue until April 30, 2018, inclusive.
4. Costs to the College in the amount of \$1,500.00.

In its reprimand, the Panel noted that integrity, trust, and professional conduct are at the core of the practice of Pharmacy and the delivery of care to the public. The Panel observed that Pharmacy is a self-regulated profession, and that the Panel's role is to uphold the College's mandate to ensure that the public is protected and the public trust is maintained.

The Panel expressed its view that the Member's conduct was totally unacceptable. The Panel pointed out that the provision of narcotics carries with it added responsibility, both due to the nature of the medications and the population receiving them. The Panel indicated its concern that the Member failed in his responsibilities as a pharmacist by inappropriately dispensing narcotics to patients without questioning the outcome and potential harm that could occur.

The Panel expressed its hope that this Order, including the remediation imposed, will be sufficient to deter similar conduct in the future and will motivate the Member to provide the best possible care to his patients.

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**Thomas McNulty** (OCP #203604) and **T.B. McNulty Pharmacist Professional Corporation**, as holder of Certificate of Accreditation #303416 for Tom's Pharmacy

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At a hearing on March 29, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. McNulty with respect to the following incidents:

- In or about the period from October 6, 2014 to October 6, 2016, he failed to complete a physical count and reconciliation every 6 months as required by the College's Medication Procurement and Inventory Management Policy with respect to the inventory of narcotics and controlled drugs;
- In or about the period from October 6, 2014 to October 6, 2016, he failed to keep records as required by the College's Medication Procurement and Inventory Management Policy with respect to the inventory of narcotics and controlled drugs;
- In or about the period from January 1, 2016 to October 6, 2016, he

dispensed prescription drugs, controlled drugs, narcotics, and/or targeted substances without a valid prescription, namely [drug].

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:
- In or about the period from January 1, 2016 to October 6, 2016, he contravened section G.03.002 of the Food and Drug Regulations, C.R.C., c. 870, as amended, made under the Food and Drugs Act, R.S.C. 1985, c. F-27, as amended, by dispensing [drug] without a valid prescription
- 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

At the same hearing, a Panel of the Discipline Committee made findings of proprietary misconduct against Mr. McNulty and T.B. McNulty Pharmacist Professional Corporation, as holder of Certificate of Accreditation #303416 for Tom’s Pharmacy, with respect to the following incidents:

- In or about the period from August 29, 2016 to October 6, 2016, he failed to abide by an undertaking given to the College and/or misled the College when he assured the College he was no longer engaging in sterile compounding but continued to do so

In particular, the Panel found that Mr. McNulty and T.B. McNulty Pharmacist Professional Corporation, as holder of Certificate of Accreditation #303416 for Tom’s Pharmacy:

- Failed to abide by an undertaking given to the College
- Engaged in conduct or performed an act relevant to the operation of a pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as dishonourable and 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 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;
  - (b) That the Member shall comply with the terms of his monitoring contract with the Work, Stress and Health Program of CAMH for the full duration of the contract;
  - (c) That for a period of 3 years to commence on the day following the completion of the suspension set out in paragraph 3, or any lesser period that the Discipline Committee on application may subsequently determine to be appropriate, the Member shall be prohibited from:
    - i. Acting as a narcotics signer in any pharmacy;
    - ii. Acting as a Designated Manager in any pharmacy;
3. That the Registrar suspend the Member’s Certificate of Registration for a period of three months, with one month of the suspension to be remitted on condition that the Member complete the remedial training specified in paragraph 2(a), above.
4. Costs to the College in the amount of \$3,000.00.

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 pharmacy is a self regulated profession. The practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession, and to oneself.

The Panel related that the Member’s failure as an owner, Designated Manager,

and pharmacist to maintain proper inventory controls was of serious concern to the Panel.

The Panel expressed its view that when the Member entered an undertaking with the College to cease sterile compounding, the College expected his full compliance on this issue. Although he was trying to fulfill his obligations of continuing patient care, he did so in a manner such that patient safety was put at risk. This Panel indicated that it viewed the subject matter of that undertaking and the Member's failure to adhere to it very seriously.

The Panel expressed its expectation the Member will complete the remedial training ordered and use this opportunity that he has been given to improve his professional conduct.

### **Allen Chow** (OCP #69841)

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At a hearing in writing on March 23, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Chow with respect to the following incidents:

- That he practised the profession and dispensed while his ability to do so was impaired by a substance on or about December 4, 2012

In particular, the Panel found that he:

- Practised the profession while his ability to do so was impaired by a substance
- Failed to maintain a standard of practice of the profession
- 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 and unprofessional

At the same hearing, the Panel made findings of professional misconduct against Mr. Chow with respect to the following incidents:

- That he Committed 18 sexual assaults and administered (on 17 occasions) a stupefying or overpowering drug with intent to enable the commission of an indictable offence (namely, sexual assault), contrary to Section 272(2) and Section 246(b) of the Criminal Code of Canada, with respect to which he was convicted on or about May 12, 2015
- That he misappropriated, obtained and/or transported from the Pharmacy a controlled drug, Lorazepam, that had not been prescribed for him, and/or
- That he sold, provided, delivered, administered, gave and/or transported Lorazepam to or for an individual, without a prescription and/or proper authorization, without keeping accurate records in relation to those transactions, and/or for an improper purpose

In particular, the Panel found that he:

- Was found guilty of an offence that is relevant to his suitability to practise
- Failed to maintain a standard of practice of the profession
- Dispensed or sold drugs for an improper purpose
- 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 s.4 and /or 154 of O Reg 58/11 under that Act
- 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; section 5 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19, 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 and unprofessional

The Panel imposed an Order which included as follows:

- A reprimand, to be administered on a date to be determined
- An Order directing the Registrar to revoke Mr. Chow’s Certificate of Registration
- Costs to the College in the amount of \$5,000

The reprimand in this matter remains outstanding.

Mr. Chow entered into an Acknowledgment & Undertaking as part of the resolution of allegations of professional misconduct at a hearing of before a Panel of the Discipline Committee.

Pursuant to the Acknowledgment & Undertaking dated October 5, 2016, Mr. Chow undertook that he will not reapply to the College or in any way seek the reinstatement of his certificate of registration with the College for any class of membership.

**Lilian Fam (OCP #608926)**

At a hearing on April 23, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Fam with respect to the following incidents:

- Between about August 1, 2014 and December 31, 2015, she submitted charges to the Ontario Drug Benefit Program for certain identified drugs and/or products that she did not dispense
- Between about August 1, 2014 and December 31, 2015, she created false and/or misleading pharmacy records documenting the dispensing of certain identified drugs and/or products that she did not dispense

In particular, the Panel found that she

- 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, she contravened s. 15(1)(b) of the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10

- Permitted, consented to or approved, either expressly or by implication, the commission of an offence against an 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 and unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. Directing the Registrar to suspend the Member’s certificate of registration for a period of 4 months, with 3 months of the suspension to be remitted on condition that the Member complete the remedial training specified below in paragraph 3(a); the suspension shall run from June 1, 2018 and shall continue until June 30, 2018, inclusive; if the remitted portion of the suspension is required to be served, then the remitted portion of the suspension shall run from April 23, 2019 until July 22, 2019, inclusive
3. 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 of this Order, 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 of this Order, the Member shall be prohibited from:
    - i. having a proprietary interest of any kind in a pharmacy;
    - 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 two years from the date of this Order, the Member shall:
- i. 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;
  - ii. provide her pharmacy employer(s) with a copy of the Agreed Statement of Facts and Joint Submission on Order in this matter, or a copy of the Discipline Committee Panel's Decision and Reasons in this matter; and
  - iii. 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 that the employer is not remunerating the Member on any basis other than hourly or weekly rates.

4. Costs to the College in the amount of \$5,000.00

In its reprimand, the Panel noted that, as a pharmacist, the Member is part of a profession that is highly respected within the healthcare system and the community at large. The public expects pharmacists to act with integrity and trust. In addition, pharmacists have an accountability to the Ontario Drug Benefit Program for submitting valid claims.

The Panel pointed out that the Member acknowledged her responsibility that the Pharmacy submitted charges to the Ontario Drug Benefit Program for drugs that were not dispensed.

The Panel recognized that there may have been unique mitigating factors; nevertheless, as a Director and Shareholder of the Pharmacy, the Member was required to ensure the accuracy of claims to the Ontario Drug Benefit Program, which depends on trust and integrity.

The Panel expressed its disappointment, and that of the profession at large, in this type of conduct. The Panel related its hope that the Member will not appear before a panel of the Discipline Committee of the College of Pharmacists in the future.

**Boules Awad** (OCP #604940)

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At a hearing on April 4, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Awad in that he:

- Submitted accounts or charges for services that he knew were false or misleading to the insurers of certain identified persons for one or more of certain identified prescriptions;
- Falsified pharmacy records relating to his practice in relation to claims made to the insurers of certain identified persons for one or more of certain identified prescriptions;
- Failed to reverse billings improperly charged to the insurers of certain identified persons for one or more of certain identified prescriptions after being requested to do so;
- Failed to respond to the inquiries and requests of his patients.

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession;
- 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 an account or charge for services that he knew was false or misleading;
- 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 and unprofessional.

At the same hearing, the Panel made findings of professional misconduct against Mr. Awad with respect to:

- Comments made during a phone call with his patient, [Person A], on

January 15, 2017.

In particular, the Panel found that he

- Abused a patient, verbally or physically;
- 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 and unprofessional.

At the same hearing, the Panel also made findings of professional misconduct against Mr. Awad in that he:

- Falsified pharmacy records relating to his practice in relation to claims made to the Ontario Drug Benefit Program on behalf of [Person B] for one or more of certain identified prescriptions;
- Submitted false claims to the Ontario Drug Benefit Program on behalf of [Person B] for one or more of certain identified prescriptions.

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession;
- 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 an account or charge for services that he knew was false or misleading;
- 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 and unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand

2. Directing the Registrar to suspend the Member’s certificate of registration for a period of 6 months, with 1 month remitted if the Member successfully completes the coursework set out in the Order
3. Directing that the following terms, conditions or limitations be imposed on the Member’s certificate of registration:
  - a. that the Member shall complete successfully, at his own expense:
    - i. 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, and
    - ii. the ProBE Plus Program, within twenty-six (26) months of the date of this Order;
  - b. that the Member is prohibited from:
    - i. acting as Designated Manager at any pharmacy for a period of three (3) years, commencing on September 4, 2018,
    - ii. having any proprietary interest in a pharmacy as a sole proprietor or partner, or director or shareholder in a corporation that owns a pharmacy, or in any other capacity, for a period of three (3) years, commencing on September 4, 2018, and
    - iii. receiving any remuneration as a pharmacist or related in any way to the operation of a pharmacy other than remuneration based on hourly or weekly rates or salary, for a period of three (3) years, commencing on September 4, 2018
4. Costs to the College In the amount of \$5,000.00

In its reprimand, the Panel expressed its extreme disappointment with the Member’s actions.

The Panel observed that members of the public, and patients, hold the pharmacy profession in high regard. As such, it is expected that pharmacists conduct themselves with the highest degree of professionalism and respect to the public. The Panel noted that the Member’s use of inappropriate language towards a patient is inexcusable and did not satisfy the public interest.

The Panel pointed out that it is a privilege, not a right, to practice pharmacy. The Panel expressed its expectation the Member has learned from this process, that he will improve his practice of pharmacy, and that he will work hard to regain the public trust he has lost through his actions.

The Panel voiced its expectation that the Member will practice with personal and professional integrity, and that he will never appear before a panel of the Discipline Committee again.

### **Zafar Ahmad** (OCP #212220)

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At a hearing on April 13, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Ahmad with respect to the following incidents:

- That he signed or issued, in his professional capacity, documents that he knew or ought to have known contained false or misleading statements in connection with claims made for certain identified drugs and/or other products;
- That he submitted accounts or charges for services that he knew or ought to have known were false or misleading in connection with claims made for certain identified drugs and/or other products

In particular, the Panel found that he

- Failed to maintain the standards of practice of the profession
- Signed or issued, in his professional capacity, documents that he knew or ought to have known contained false or misleading statements
- Submitted accounts or charges for services that he knew or ought to have known were 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) 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 dishonourable and 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, 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 Center for Personalized Education for Physicians; and,
  - b. That for a period of three years, to commence on April 13, 2018, the Member shall be prohibited from acting as the Designated Manager of any pharmacy;
  - c. That for a period of three years, to commence on April 13, 2018, the Member shall be prohibited from having a proprietary interest in any pharmacy, and from receiving remuneration for his work as a pharmacist other than remuneration based on hourly or weekly rates.
3. That the Registrar suspend the Member's Certificate of Registration for a period of eight months, with one month of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2(a). The suspension shall commence on April 13, 2018, and shall continue until November 12, 2018, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial requirement specified in paragraph 2(a), that portion of the suspension shall commence on April 13, 2019, and shall continue until May 12, 2019, inclusive.
4. Costs to the College in the amount of \$4,000.00

In its reprimand, the Panel noted that, as a shareholder and director, the Member submitted unsubstantiated claims over a two year period. The Panel expressed its

view that he failed in his duties as a Designated Manager.

The Panel observed that volume of unsubstantiated claims over a two year period of time, which amounted to \$35,000.00, is an example of the Member’s disregard for the trust that has been placed in him by the public and the profession.

The Panel pointed out that the practice of pharmacy is a privilege and is held in high regard, and that the pharmacy profession comes with significant obligations to the public, the profession and to oneself. The Panel related that the Member has violated that trust.

The Panel expressed its expectation that the Member will reflect, commit to remediation, and change the way he practices. The Panel indicated its further expectation the Member will not appear again before a panel of the Discipline Committee.

**John Alma** (OCP #17752)

At a hearing on May 18, 2018 a Panel of the Discipline Committee made findings of professional misconduct against Mr. Alma with respect to the following incidents:

- In about June or July 2015, he engaged in inappropriate conduct toward a co-worker. Particulars of the conduct found to be inappropriate include:
- massaging the co-worker’s shoulders and/or neck without permission
- bringing the co-worker chocolates and/or roses
- calling the Pharmacy when he was not working to discuss personal matters with the co-worker
- saying to the co-worker “you look good in any old thing you throw on” or words to that effect
- writing the co-worker a note that contained the words “My dearest Chinaman,” “If you don’t stop analysing me with your mental powers – I will

be forced to touch you – severely,” and was signed “Madly” or words to that effect

In particular, the Panel found that he

- failed to maintain a standard of practice of the profession
- 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

Mr. Alma agreed to permanently resign as a member of the College while this discipline proceeding was pending.

The Panel imposed an Order which included as follows:

- A reprimand
- Costs in the amount of \$1,500.00.

In its reprimand, the Panel noted that the public holds the profession in high regard, conferring confidence and trust in its members. As such, this valued position requires members to conduct themselves in a manner that is respectable, responsible, and trustworthy. The Panel clarified that not only do fellow members of the profession, the public, and patients expect the highest level of behaviour, but so do employees.

The Panel related that, as a practicing member, Mr. Alma was required to keep informed on current issues. The topic of harassment and unacceptable behaviour is such an issue. The Panel indicated that using language in a note that refers to “touching you severely” falls well outside of acceptable behaviour.

The Panel found it unfortunate that Mr. Alma ended his career in front of a Discipline Panel and expressed its trust that this event has caused him to partake in some self-reflection.

**Mustafa Salem** (OCP #604014)

At a hearing on June 15, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Salem with respect to the following:

- That he failed to comply with an undertaking he gave to the College on July 14, 2015, and in particular, failed to enter into a monitoring contract with the College or a third party agreed to by the College concerning the conditions under which he may practice pharmacy.

In particular, the Panel found that he

- Contravened a term, condition or limitation on his certificate of registration
- Failed to maintain a standard of practice of the profession
- Failed to carry out or abide by an undertaking given to the College
- 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 and unprofessional

At the same hearing, the Panel made findings of professional misconduct against Mr. Salem with respect to the following:

- That he failed to comply with an order of a panel of the Discipline Committee of the Ontario College of Pharmacists dated September 18, 2015 and, in particular, he failed to successfully complete the ProBE Program on Ethics for Healthcare Professionals with an unconditional pass, at his expense, within 12 months of obtaining a certificate of registration.

In particular, the Panel found that he

- Contravened a term, condition or limitation imposed on his certificate of registration
- Failed to maintain a standard of practice of the profession
- Failed to comply with an order of a panel of the Discipline Committee of

the Ontario College of Pharmacists

- 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 and unprofessional

The Panel imposed an Order which included as follows:

1. A reprimand
2. An Order directing the Registrar to revoke Mr. Salem's Certificate of Registration

In its reprimand, the Panel noted that the practice of pharmacy is a privilege, which carries with it significant obligations to the public, the profession, and to oneself. Integrity and trust are paramount to the profession.

The Panel observed that members of the College are expected to adhere to all procedures and standards of practice governing pharmacy. The Panel pointed out that compliance with undertakings and orders issued by the Discipline Committee is essential to protect the public.

The Panel indicated that Mr. Salem's conduct was unacceptable and has brought discredit to the profession of pharmacy.

**Sara Etemad-Rad** (OCP #603101)

At a hearing on June 22, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Etemad-Rad with respect to the following incidents:

- That she billed at 7-day intervals for medications in blister packs that were actually dispensed to patients at 14-day or 28-day intervals for patients [Patient 1] and [Patient 2]; and,
- That she failed to have written policies in place regarding blister packs, otherwise known as multi-medication compliance aids



In particular, the Panel found that she

- Failed to maintain a standard of practice of the profession
- 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 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 1 month, to be fully remitted if the Member successfully completes the mentoring at subparagraph 3(a) below. If the suspension is required to be served by the Member because she fails to complete the mentoring specified in subparagraph 3(a), below, the suspension shall commence on March 1, 2019 and continue until March 31, inclusive.
3. An Order directing that the following terms, conditions or limitations be imposed on the Member’s certificate of registration:
  - a) the Member shall complete successfully, within six (6) months from the date this Order becomes final (subject to paragraph 7 below), a mentorship with a mentor approved by the College, regarding the issues raised by the facts and findings of professional misconduct in this case, including billing, record keeping, preparation of blister packs and the duty to create written policies and procedures and ensure that they are adhered to within a pharmacy; and the following terms shall apply to the mentorship:
    - i. the Member shall retain, at her own expense, a practice mentor within three (3) months of the date of this Order;. The Member is entitled to provide to the College two names of proposed practice mentors within seven (7) days of this Order. The College will review the two suggested mentors within three (3) weeks of receiving their names and will either accept them or reject them. If both practice mentors are rejected, the College shall assign a practice mentor.
    - ii. the Member meet at least two (2) times with the practice mentor, at

a place to be determined by the practice mentor, for the purpose of reviewing the Member’s practice with respect to billing, record keeping, preparation of blister packs and the duty to create written policies and procedures and ensure that they are adhered to within a pharmacy, 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. These meetings shall take place from time to time, at the discretion of the practice mentor, for a period of six (6) months from the date of this Order;

- iii. the Member shall provide the practice mentor with the following documents related to this proceeding:
    - a. the Notice of Hearing;
    - b. the Agreed Statement of Facts;
    - c. the Joint Submission on Order; and
    - d. the Panel’s Decision and Reasons, if and when available.
  - iv. The Member shall develop with the practice mentor a learning plan to address the areas of the Member’s practice requiring remediation;
  - v. The Member shall 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;
  - vi. The Member shall ensure that the practice mentor reports the results of the mentorship program in writing to the College, after its completion, which report shall be delivered no later than seven (7) months from the date of this Order;
- b) that the Member’s practice, and the operation of any pharmacy in which she has a proprietary interest, will be monitored by the College for a period of one (1) year from the date of this Order on the following terms:
    - i. the monitoring will be by means of two (2) 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, R.S.O. 1990, c. H.4., s. 148;
  - iii. the Member shall cooperate fully during such inspections; and,
  - iv. the Member shall pay to the College in respect of such monitoring inspections the amount of \$1,000.00 per inspection, after each inspection; and
4. An Order directing the Member to pay a fine of \$348.33 to the Minister of Finance.
5. Costs in the amount of \$3,500.00.

In its reprimand, the Panel noted that pharmacy is a self-regulated profession. The practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession, and oneself.

The Panel emphasized that although the Member's pharmacy operation may have been busy and hectic, she is always expected to meet the standards of practice of the profession and conduct herself in an ethical and professional manner. The Panel expressed its concern, given the Member's years of experience, that she failed in her responsibilities as a pharmacist and designated manager by failing to have proper policies and procedures in place, which resulted in inappropriate billing to the Ontario Drug Benefit plan.

The Panel indicated its hope that this Order and the discipline process will be sufficient to deter similar conduct in the future and will motivate the Member to provide the best possible care to her patients.

### **Nataliya Ivasiv** (OCP #220077)

At a hearing on June 27, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Ivasiv, in her capacity as

a Designated Manager, with respect to the following incidents, in or about September 2011 – April 2013:

- False and/or unsubstantiated claims submitted by the Pharmacy to the Ontario Drug Benefit Program totalling approximately \$60,000, including the claims for:
- 12 identified drug and other health products for which quantities claimed exceeded quantities acquired;
- extemporaneous mixtures comprised of equal parts of two or more different creams, and/or a duplication of a commercially available product, for certain identified prescriptions;
- nutrition products for which the nutrition products forms were missing, expired or incomplete, and/or the patient eligibility criteria were not met, for certain identified prescriptions; and/or
- "no substitution" claims for which the required Health Canada reporting forms were either not obtained and/or not retained for certain identified prescriptions; and/or
- False and/or misleading records created at the Pharmacy in relation to the billing and/or dispensing transactions described above.

In particular, the Panel found that the Member

- Failed to maintain a standard of practice of the profession
- Failed to keep records as required
- 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, and/or O.Reg.201/96, sections 27 and/or 29
- Engaged in conduct or performed an act relevant to the practice or 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 requiring that:
  - a. the Member shall complete successfully, at her 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;
  - b. the Member shall be prohibited from acting as the Designated Manager at any pharmacy for a period of two (2) years from the date of this Order;
  - c. the Member shall provide notification to all her employers in pharmacy regarding the disposition of this discipline proceeding, for a period of two (2) 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 Agreed Statement of Facts and this Joint Submission on Order, or the Decision and Reasons of the Discipline Committee in this matter, including this Order (when available), 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 or commencing any new employment with the employer, confirming that the Designated Manager of the employer’s pharmacy has received a copy of the documents set out in paragraph 2(ii) above.
3. Directing the Registrar to suspend the Member’s Certificate of Registration for a period of six (6) months, with two (2) months of the suspension to be remitted on condition the Member complete the remedial training program

as specified in paragraph 2(a) above. The suspension shall commence on June 28, 2018 and continue without interruption until October 27, 2018. If the remitted portion of the suspension has to be served because the Member fails to complete the ProBE Program as specified in subparagraph 2(a) above, the further suspension shall commence on June 28, 2019 and continue without interruption until August 27, 2019. If the time for completing the remedial steps in paragraph 2(a) above is extended by the Registrar, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.

4. Requiring the Member to pay Costs to the College in the amount of \$7,500.00

In its reprimand, the Panel noted that the Member is part of the honourable profession of pharmacy, to which integrity and trust are paramount. The Panel expressed its extreme disappointment with the Member’s failure to maintain a standard of practice of the profession.

The Panel observed that the role of Designated Manager is one of heavy responsibility, including the obligation to conduct one’s own behavior to the highest standard and to ensure the entire operation of the pharmacy is delivered according to the same standard.

The Panel relayed its expectation that the Member has learned from this process.

**Joshua Ramsammy** (OCP #613037)

At a hearing on July 25, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Ramsammy with respect to the following:

- He was found guilty of theft under five thousand dollars, which is an offence contrary to section 334(b) of the Criminal Code
- He misappropriated drugs while working as a pharmacist, including but not limited to [Drug X] on or about June 21, 2015

In particular, the Panel found that he

- Was found guilty of an offence that is relevant to his suitability to practise
- Failed to maintain a standard of practice of the profession
- Practised the profession while his ability to do so was impaired by drugs
- Dispensed or sold drugs for an improper purpose
- Contravened the Act, the Drug and Pharmacies Regulation Act, the Regulated Health Professions Act, 1991, or the regulations under those Acts
- 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, in particular but not limited to 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, and section 31 of the Narcotic Control Regulations, C.R.C., c. 1041, 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 and unprofessional

At the same hearing, the Panel also made findings of professional misconduct against Mr. Ramsammy with respect to the following:

- He engaged in the practice of pharmacy and worked in a pharmacy from June through August 2016, in breach of the restrictions on his certificate of registration that he agreed to in his undertaking to the College dated June 1, 2016
- He failed to advise the pharmacy that his certificate of registration had been restricted such that he was not entitled to engage in the practice of pharmacy or to work in a pharmacy in any capacity whatsoever after June 1, 2016

In particular, the Panel found that he

- Contravened a term, condition or limitation imposed on his certificate of registration
- 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 and unprofessional

The Panel imposed an Order which included as follows:

- A reprimand before a Panel of the Discipline Committee;
- An Order directing the Registrar to revoke Mr. Ramsammy's certificate of registration; and
- Costs to the College in the amount of \$1,500.00.

In its reprimand, the Panel expressed that it was deeply troubled by the facts presented. The Panel indicated that it was clear that Mr. Ramsammy's conduct demonstrates that he is ungovernable.

The Panel related that Mr. Ramsammy showed utter disregard for the high standards of the pharmacy profession. He deliberately breached the Discipline Committee's Order and the Undertaking he gave, putting the public at great risk.

The Panel pointed out that Mr. Ramsammy jeopardized not only the public trust in pharmacy professionals, but also the public confidence in the profession's ability to effectively regulate its members.

The panel expressed its satisfaction that the safety of all Ontarians will best be protected by stripping Mr. Ramsammy of his privilege to practice pharmacy and revoking his certificate of registration.

### **Dawn Romeo** (OCP #502404)

At a hearing on July 27, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Romeo with respect to the following incidents:

- That she misappropriated from the hospital pharmacy certain identified narcotics that had not been prescribed for her, in or about March to June, 2016

- That she did not properly document the return and destruction of Codeine Contin 100mg (9 tablets), on or about June 3, 2016, having received those narcotics back from a nursing unit but failing to enter the narcotics back into the count before destruction.

In particular, the Panel found that she

- Failed to maintain a standard of practice of the profession
- Dispensed or sold drugs for an improper purpose
- Failed to keep records as required respecting her 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 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; and/or section 31 of the Narcotic Control Regulations, C.R.C., c.1041, 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 dishonourable and 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 requiring that:
  - (a) the Member successfully complete, within six (6) 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, regarding the issues raised by the facts and findings of professional misconduct in this case, including the professional and

ethical obligations to account for narcotics and maintain accurate records; and 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 two (2) meetings;
  - (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 be responsible for the cost of the course;
  - (iv) the Member shall provide to the consultant the following documents, in advance of the course, to facilitate the design of the course:
    - the Notice of Hearing;
    - the Agreed Statement of Facts;
    - this Joint Submission on Order; and
    - the Panel's Decision and Reasons, if and when available; and
  - (v) the Member will request a report from the consultant confirming that the Member has completed the course to the satisfaction of the consultant, and the Member will provide a copy of the report to the College within six (6) months of the date of this Order; and
- (b) the Member shall provide notification to all her employers in pharmacy regarding the disposition of this discipline proceeding, for a period of two (2) 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 Agreed Statement of Facts and this Joint Submission on Order, or the Decision and Reasons of the Discipline Committee in



this matter, including this Order (when available), 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 or commencing any new employment with the employer, confirming that the Designated Manager of the employer's pharmacy has received a copy of the documents set out in paragraph 2(b)(ii) above.

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of five (5) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training program specified in paragraph 2, above.

4. Costs to the College in the amount of \$2,500.00

In its reprimand, the Panel noted that integrity, trust, and professional conduct are at the core of the practice of Pharmacy and the delivery of care to the public. In return, Pharmacy Technicians are held in high regard by the public.

The Panel observed that pharmacy is a self-regulated profession. Members bear the responsibility to ensure that they maintain the trust of our members and the public they serve. The practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession, and to oneself.

The Panel acknowledged the Member's acceptance of responsibility for her actions and her cooperation during this process. The Panel expressed its belief that the Member has learned from this process and its confidence that she will not appear before a panel of the Discipline Committee of the Ontario College of Pharmacists again.

### **Shady Mawad** (OCP #218593)

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At a hearing on July 24, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Mawad with respect to the following incidents:

- He failed to report to the College within a reasonable time that he had been charged with a criminal offence (having care and control of a motor vehicle while "over 80", contrary to section 253(1)(b) of the Criminal Code) on November 5, 2011, and/or that he had been convicted of that offence on April 16, 2015;
- On his annual renewal forms submitted in 2012, 2013, 2014, 2015, and/or 2016, he falsely answered "no" to the question asking whether he had been charged with or convicted of an offence in any jurisdiction

In particular, the Panel found that he

- Contravened a term, condition or limitation imposed on his certificate of registration by O. Reg. 202/94 under the Pharmacy Act, 1991
- Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- 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 must successfully complete, within twelve (12) months of the date that this Order is imposed, 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, and

the following terms shall apply to that 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 be responsible for the cost of the course; and
  - iv. the consultant shall agree to confirm to the College once the Member has completed the course to the satisfaction of the consultant.
3. That the Registrar suspend the Member’s Certificate of Registration for a period of two months, with one month of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2.
4. Costs to the College in the amount of \$3,500.00

In its reprimand, the Panel noted that, as a pharmacist registered with the College, there are obligations that must be followed. The fact that the Member did not truthfully report the charges pending against him on five consecutive annual renewal forms indicates that he did not uphold these obligations.

The Panel observed that, as a self-regulated profession, the mandatory self-reporting requirements of Ontario College of Pharmacists rely heavily on the honour system. Any violation of that premise is of significant concern to the College, the profession, and the public.

The Panel indicated that it is the members’ responsibility to truthfully and accurately report to the College, in a timely manner, any charge or conviction arising in any jurisdiction relating to any offence.

The Panel expressed its trust that, as a member of this college, the Member realizes the importance of this responsibility, that he will uphold the standards of the profession with honour and integrity, and that will not appear before a panel of the Discipline Committee again.

**Pharmacist X**

At a hearing on June 5, 6, and 7, 2017, a Panel of the Discipline Committee heard allegations of professional misconduct made against Pharmacist X (the “Member”). It was alleged that the Member had committed professional misconduct in that:

- Between at least October 2014 and December 2014, he engaged in behaviour and/or remarks of a sexual nature towards [Patient], a patient to whom he was dispensing methadone
- Between approximately December 2013 and December 2014, he harassed and/or sexually harassed [Patient], a patient of the Pharmacy

In particular, it was alleged that the Member had

- Sexually abused a patient
- Failed to maintain the standards of the profession
- 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 disgraceful, dishonourable and/or unprofessional

The Member denied the allegations as set out in the Notice of Hearing.

In a decision dated January 19, 2018, a panel of the Discipline Committee (the “Panel”) found that the evidence presented by the College was not sufficient to establish, on a balance of probabilities, to the Panel’s satisfaction, that the alleged misconduct occurred. The Panel dismissed all allegations against the Member and indicated that it did not have clear, cogent and convincing evidence that the Member engaged in the misconduct alleged in the Notice of Hearing.

**Medhat Abdelmalak** (OCP #209168)

At a hearing on September 25, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Abdelmalak in that he:

- Failed to complete inventory reconciliations for narcotics and other controlled drugs at least every six months, and/or failed to retain records of such inventory reconciliations, for the period, February 2014-February 2017;
- Failed to identify and report losses of narcotics and other controlled drugs to Health Canada as required during the period, February 2014-February 2017;
- Submitted up to 277 improper claims for both MedsCheck Annual reviews and MedsCheck Diabetes reviews at substantially the same time in the period, January 2014-July 2016;
- Submitted certain identified improper claims for MedsCheck reviews for patients who were not eligible, claims that were submitted prior to the MedsCheck reviews being performed, MedsCheck reviews that were not documented, and/or for MedsCheck review documents that were not signed by the patient and/or pharmacist in the period, June 2015-June 2016; and/or
- Submitted improper claims for certain identified patients for dispensing fees for compliance packages at more frequent intervals than the compliance packages were being dispensed to the patients in the period, December 2016-February 2017.

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;
- Charged a fee that was excessive;
- 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 4, 5, 6 and/or 15 of the Ontario Drug Benefit Act, R.S.O., 1990, c.O. 10, as amended; sections 18 and/or 27 of O.Reg 201/96, as amended; sections 42, 43 and/or 71 of the Narcotic Control Regulations, CRC, c1041, as amended; and/or section 7 of the Benzodiazepines and Other Targeted Substances Regulations, SOR/2000-217, as amended;

- 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, and in particular, sections 4, 5, 6 and/or 15 of the Ontario Drug Benefit Act, R.S.O., 1990, c.O. 10, as amended; sections 18 and/or 27 of O.Reg 201/96, as amended; sections 42, 43 and/or 71 of the Narcotic Control Regulations, CRC, c1041, as amended; and/or section 7 of the Benzodiazepines and Other Targeted Substances Regulations, SOR/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 dishonourable and 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 requiring that:
  - a. 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;
  - b. the Member shall complete two comprehensive inventory reconciliations for all narcotics and other controlled substances in his current pharmacy, with the first inventory reconciliation to be completed and submitted to the College no later than by February 8, 2019, and the second inventory reconciliation to be performed and submitted to the College six (6) months after the first (i.e., by August 8, 2019), with the inventory reconciliations to cover the six-month period preceding each inventory reconciliation;

- c. the Member’s practice will be monitored by the College for a period of twenty-four (24) months from the date of this Order. The monitoring shall be on the following terms:
  - (vi) the monitoring will be by means of inspections conducted by a representative of the College at such times as the College may determine;
  - (vii) 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;
  - (viii) the Member shall cooperate fully during such inspections;
  - (ix) the Member shall pay to the College in respect of such monitoring inspections the amount of \$1,000.00 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
  - (x) the College may choose to conduct additional inspections within the monitoring period at no further cost to the Member; and
- d. the Member shall be prohibited from acting as the Designated Manager at any pharmacy for a period of 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 the Member complete the remedial training program as specified in subparagraph 2(a), above. The suspension shall commence on October 9, 2018 and continue without interruption until January 8, 2019, inclusive. If the remitted portion of the suspension has to be served because the Member fails to complete the ProBE Program as specified in subparagraph 2(a) above the further suspension shall commence on September 26, 2019 and continue without interruption until October 25, 2019, inclusive. If the time for completing the remedial steps in subparagraph 2(a), above, is extended by the Registrar, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.
- 4. Costs to the College in the amount of \$6,000.00

In its reprimand, the Panel noted that pharmacy is a highly respected profession within the healthcare system and the community at large. Integrity and trust are paramount to this profession. Pharmacists provide care to the public and in return are held in high regard for the role they play.

The Panel observed that a pharmacist’s relationship with third party payors is based on honesty and integrity, which are paramount in a real time claims adjudication system. Claims are submitted and accepted in good faith.

The Panel indicated that the frequency and volume of the Member’s billing activities related to MedsCheck services and compliance pack billing intervals were clearly a flagrant abuse of the system. These claims did not occur by accident especially for multiple claims for individual patients made on the same day.

The Panel expressed its view that the Member failed to maintain the standards of the profession in that he neglected to maintain proper inventory reconciliation of narcotic and other controlled drugs, despite several reminders from the College. The Panel also felt the Member’s actions as a Designated Manager fell short of the standards and responsibilities expected by the profession.

The Panel expressed its trust that this disciplinary process has caused the Member to reflect on his practice and will motivate him to make changes, and that the Member will not appear before a Panel of the Discipline Committee of the Ontario College of Pharmacists again.

**Carol Sieler (OCP #93785)**

At a hearing on September 4, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Sieler in that she:

- Dispensed certain identified controlled and prescription drugs that had not been prescribed, in or about September 2014 – June 2016

In particular, the Panel found that she

- Failed to maintain a standard of practice of the profession

- Failed to keep records as required respecting herself and her 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 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; 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 and 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 requiring that:
  - a. the Member shall complete successfully the following courses, programs, and instruction, including any evaluations, at her own expense and within twelve (12) months of the date of this Order, or provide evidence satisfactory to the College that she has completed these courses and any related evaluations within the twelve (12) months prior to the date of this Order:
    - i. the College's complete jurisprudence e-learning modules and examinations; and
    - ii. the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass;
  - b. the Member shall be prohibited, for a period of three (3) years from the date of this Order, from acting as a Designated Manager or narcotic

signer at any pharmacy;

- c. 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 Agreed Statement of Facts and this Joint Submission on Order, or the Decision and Reasons of the Discipline Committee in this matter, including this Order (when available), 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 or commencing any new employment with the employer, confirming that the Designated Manager of the employer's pharmacy has received a copy of the documents set out in paragraph 2(b)(ii) above.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of four (4) months, with two (2) months of the suspension to be remitted on condition the Member complete the remedial training program specified in paragraph 2(a), above. The suspension shall commence on September 4, 2018 and continue without interruption until November 3, 2018, inclusive. If the remitted portion of the suspension has to be served, the further suspension shall commence on September 5, 2019 and continue without interruption until November 4, 2019, inclusive, unless the time for completing the remedial steps in paragraph 2(a), above, is extended by the Registrar, in which case, the date the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.
4. Costs to the College in the amount of \$3,500.00

In its reprimand, the Panel noted that the Member breached the trust given to her by this College, as well as the trust of her colleagues and the public.



The Panel indicated that while it acknowledged the Member’s acceptance of responsibility for her actions and her cooperation during the process, it viewed her actions as totally unacceptable.

The Panel expressed its trust that the rehabilitation outlined in the Order gives the Member an opportunity to reflect on her practice, and its expectation that she will learn from this experience and will not appear before a panel of a discipline committee again.

**Shabuddin Syed** (OCP #614650)

At a hearing on September 24, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Syed in that he:

- Failed to report that he had been charged on or about September 4, 2015 with a criminal offence contrary to the Criminal Code, section 252:
- within 30 days, as required by College By-Law No. 3, Article 12.1.3, and/or
- by providing a false statement to the College in response to the question regarding charges for an offence on the annual registration renewal questionnaire, on or about March 3, 2016
- Failed to report that he had been found guilty on or about April 22, 2016 of an offence contrary to the Highway Traffic Act, section 200(1)(a):
- within 30 days, as required by College By-Law No. 4, Article 12.1.3, and/or
- by providing a false statement to the College in response to the question regarding a finding of guilty for an offence on the annual registration renewal questionnaire, on or about March 10, 2017
- Dispensed prescriptions for methadone, Suboxone or buprenorphine, and/or sold methadone, Suboxone or buprenorphine by retail, to certain identified patients at Ancestral Voices Medical Centre & Pharmacy in Ohsweken, Ontario, premises for which no certificate of accreditation has

been issued, in or about April 2017;

- Used the designation “pharmacy” in relation to Ancestral Voices Medical Centre & Pharmacy in Ohsweken, Ontario, premises for which no certificate of accreditation has been issued;
- Failed to comply with the Methadone Maintenance Treatment (MMT) and Dispensing Policy of the College regarding methadone dispensing at the Pharmacy with respect to notification to the College, patient agreements, labeling of methadone doses, and documentation of methadone prescriptions, in or about April 2017;
- Failed to keep records as required regarding the prescriptions for methadone, Suboxone or buprenorphine dispensed to certain identified patients;
- Falsely denied to the College inspectors on or about April 24, 2017 that methadone or buprenorphine were being dispensed from the Pharmacy;
- Failed to maintain accurate records regarding methadone, Suboxone and/or buprenorphine purchased and/or dispensed by the Pharmacy, and thereby failed to take all reasonable steps necessary to protect the narcotics at the Pharmacy against loss or theft;
- Charged dispensing fees for approximately 105,000 claims to the Ontario Drug Benefit Program, in or about April 7, 2015 to May 1, 2017, and/or approximately 175 claims to the Non-Insured Health Benefits Program, in or about November 8, 2016 to May 1, 2017, which were excessive charges for the services provided, in that Mr. Syed was not authorized to claim payment for such dispensing fees without documenting and reporting to the prescriber any exercise of professional judgment to dispense less than the full amount prescribed or the consent of the patient or the patient’s agent to that effect;
- Failed to verify delivery by receipt signed by the patient or patient’s agent for medications dispensed daily in relation to claims to the Ontario Drug Benefit Program, and/or claims to the Non-Insured Health Benefits Program, between approximately February 1, 2017 and May 1, 2017

In particular, the Panel found that the Member

- Contravened a term, condition or limitation imposed on his certificate of registration
- Failed to maintain a standard of practice of the profession
- Failed to keep records as required respecting his patients
- Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement
- Charged a fee that is excessive
- 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 23(2) of the Health Professions Procedural Code; section 5 of O.Reg. 202/94; and/or sections 139, 147, 152 and/or 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4
- 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 10 of the Narcotic Safety and Awareness Act, 2010; sections 38 and/or 43 of the Narcotic Control Regulations, C.R.C., c.1041; sections 5, 6 and/or 15 of the Ontario Drug Benefits Act; and/or sections 18 and/or 27 of O.Reg. 201/96
- 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 and 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 requiring that:
  - (a) 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;

- (b) the Member shall complete successfully, at his own expense, the Opioid Dependence Treatment (ODT) Core Course by the Centre for Addiction and Mental Health within twelve (12) months of the date of this Order;
- (c) the Member shall be prohibited from dispensing methadone, buprenorphine, and/or similar medications at any pharmacy or other location in Ontario or engaging in any activities related to the purchase, preparation, dispensing, sale, and/or billing of methadone, buprenorphine, and/or similar medications to patients or others until he has successfully completed the Opioid Dependence Treatment course described in subparagraph 2(b), above and has provided the College with notice, using the Methadone Dispensing Notification Form, of his intention to dispense methadone;
- (d) the Member shall complete successfully, after successfully completing the ProBE Program described in subparagraph 2(a), above, and within eighteen (18) months of this Order, a course with Gail E. Siskind Consulting Services, or another professional ethics consultant chosen by the College, to be designed by the consultant, for the purpose of addressing the professional and ethical obligations raised by the facts and findings of professional misconduct in this case, on the following terms:
  - (i) the number of sessions shall be at the discretion of the consultant, but shall be a minimum of two (2) meetings and a maximum of three (3) meetings;
  - (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 be responsible for the cost of the course;
  - (iv) the Member shall provide to the consultant the following documents, in advance of the course, to facilitate the design of the course:
    1. the Notice of Hearing;

- 2. the Agreed Statement of Facts;
- 3. this Joint Submission on Order; and
- 4. the Panel’s Decision and Reasons, if and when available;
- 5. any essay or other assignments the Member completes for the ProBE Program; and
- 6. the evaluation of the Member by the ProBE Program; and

(v) the consultant will confirm in writing to the College that the Member has completed the course to the satisfaction of the consultant; and

(e) the Member’s practice will be monitored by the College for a period of twenty-four (24) months from the date that the suspension of the Member’s Certificate of Registration has been lifted, as described in paragraph 3 below. The monitoring shall be 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 \$1,000.00 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

(f) the Member shall be prohibited from acting as the Designated Manager at any pharmacy for a period of three (3) years from October 9, 2018.

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 the Member complete the remedial training programs as specified in subparagraphs 2(a), 2(b) and 2(d) above. The suspension shall commence on October 9, 2018 and continue without interruption until August 8, 2019, inclusive. If the remitted portion of the suspension has to be served because the Member fails to complete the ProBE Program as specified in subparagraph 2(a) above, and/or the Opioid Dependence Treatment course as specified in subparagraph 2(b) above, the further suspension shall commence on September 25, 2019 and continue without interruption until November 24, 2019, inclusive. If the Member fails to complete the course with a professional ethics consultant as specified in paragraph 2(d) above, then the further suspension shall commence on March 25, 2020, and continue without interruption until May 24, 2020, inclusive. If the time for completing the remedial steps in subparagraphs 2(a), 2(b) and/or 2(d) above is extended by the Registrar, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.

4. Requiring the Member to pay costs to the College in the amount of \$7,500.00.

In its reprimand, the Panel noted its deep disappointment by the events that brought the Member before it. The Panel indicated that the practice of Pharmacy is a privilege that carries significant obligations to the public, the profession, and oneself. The result of the Member’s professional misconduct is that he eroded the public trust in the pharmacy profession and cast a shadow over his own integrity. The Panel expressed its hope that this hearing has given the Member the opportunity to pause for reflection.

The Panel observed that the Order, including the suspension, is significant, and that it appropriately addresses the conduct for such serious offences while also allowing the potential for rehabilitation. The Panel recognized that the Member is a newly licensed pharmacist; the Panel voiced its expectation that the remedial components of the Order will allow the Member to improve his practice to the professional standards expected of a pharmacist in Ontario and ensure that the public interest is foremost.

The Panel pointed out that the Member’s actions demonstrated poor judgment and a disregard for the regulatory scheme of Ontario. He exposed the public to unnecessary risk by operating an unaccredited pharmacy serving the most vulnerable population. The panel expressed its expectation that the Member will not appear again before a Panel of the Discipline Committee.

**Magdy Salama** (OCP #209088)

Following three separate hearings, held on September 23 and 24, 2015, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Magdy Salama:

- While engaged in the practice of pharmacy as director, shareholder, Designated Manager and/or dispensing pharmacist at Finch Medical Pharmacy in Toronto;
- While engaged in the practice of pharmacy as director, shareholder, Designated Manager and/or dispensing pharmacist at Hanin Drug Mart in Toronto, Ontario;
- While engaged in the practice of pharmacy as director, shareholder, Designated Manager and/or dispensing pharmacist at Danforth Medical Pharmacy in Toronto, Ontario

For each of the three hearings, the Panel made findings against Mr. Salama with respect to the following incidents:

- That he submitted accounts or charges for services that he knew or reasonably ought to have known were false or misleading to the Ontario Drug Benefit program;
- That he falsified pharmacy records relating to his practice in relation to claims made to the Ontario Drug Benefit program;
- That he failed to ensure that the Pharmacy complied with all legal requirements, including but not limited to, requirements regarding record keeping, documentation, and billing the Ontario Drug Benefit Plan; and/or
- That he failed to actively and effectively participate in the day-to-day management of the Pharmacy, including but not limited to, drug procurement and inventory management, record keeping and documentation, professional supervision of pharmacy personnel and billing.

In particular, for each of the three hearings, the Panel found that Mr. Salama:

- Failed to maintain a standard of practice of the profession;

- 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 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, 6 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;
- 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.

After submissions related to the three hearings, all heard on April 11, 2018, the Panel made three separate Orders, each related to the findings of professional misconduct made against Mr. Salama on September 24, 2015. Each of the three Orders included as follows:

- Reprimanding Mr. Salama in writing, in the form attached to the Decision and Reasons for Decision;
- Directing the Registrar to revoke Mr. Salama's certificate of registration;
- Requiring Mr. Salama to pay a fine of \$35,000 to the Minister of Finance;
- Costs to the College in the amount of \$29,000.00.

In each of the three reprimands, the Panel noted that Mr. Salama stole from the people of Ontario, betrayed his profession, and undercut the public's confidence in the profession.

The Panel observed that Mr. Salama's actions exemplify disgraceful, dishonourable and unprofessional conduct, and that his misconduct has had a detrimental impact on pharmacists' professional relationship with the public they serve.

The Panel expressed its view that Mr. Salama has brought shame upon himself and the profession of pharmacy.

**Amani Salama** (OCP #216329)

After a hearing on May 22, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Salama in a decision dated August 23, 2018, in that she:

- Submitted and/or permitted, consented to or approved, either expressly or by implication, the submission of, accounts or charges for services that she knew or reasonably ought to have known were false or misleading to the Ontario Drug Benefit program for:
  - one or more of certain identified drugs and/or products, from on or about January 1, 2009 to on or about May 31, 2010, and/or
  - 679 MedsCheck reviews submitted from on or about January 23, 2008 to on or about June 30, 2010 which were non-compliant with the guidelines of the Ministry of Health and Long Term Care
- Falsified and/or permitted, consented to or approved, either expressly or by implication, the falsification of, pharmacy records in relation to claims made to the Ontario Drug Benefit program by a corporation of which she a director and/or shareholder for:
  - one or more of certain identified drugs and/or products, from on or about January 1, 2009 to on or about May 31, 2010, and/or
  - 679 MedsCheck reviews submitted from on or about January 23, 2008 to on or about June 30, 2010 which were non-compliant with the guidelines of the Ministry of Health and Long Term Care
- Failed to ensure that the Pharmacy complied with all legal requirements, including but not limited to, requirements regarding record keeping, documentation, and billing the Ontario Drug Benefit Plan.

In particular, the Panel found that she

- Failed to maintain a standard of practice of the profession
- Falsified and/or permitted, consented to or approved, either expressly or by implication, the falsification of, records relating to her practice
- In her professional capacity, signed or issued and/or permitted, consented to or approved, either expressly or by implication, the signing or issuing of a document that she knew contained a false or misleading statement
- Submitted and/or permitted, consented to or approved the submission of accounts or charges for services that she knew to be 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 5, 6 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 156, 163 and 166 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 5, 6 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 sections 156, 163 and 166 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, as amended
- Permitted, consented to or approved, either expressly or by implication, the contravention of 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, 6 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 sections 156, 163 and 166 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H.4, 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 and unprofessional

Following findings of professional misconduct made on August 23, 2018, and a further day of submissions on December 17, 2018, the Panel imposed an Order which included as follows:

4. A reprimand;
5. Directing the Registrar to revoke the Member's Certificate of Registration; and
6. Costs to the College in the amount of \$46,858.98.

The reprimand in this matter remains outstanding.

### **Bhavesh Kothari** (OCP #217389)

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At a hearing on November 12, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Kothari in that he:

- Failed to complete the remedial training as required by subparagraph 3(i) of the Order of the Discipline Committee Panel of the Ontario College of Pharmacists dated September 24, 2015 (the "Order") within the time required by the Order, and failed to successfully complete that remedial training within the additional time provided by the Registrar to do so, at his request;
- Failed to access and read encrypted email communications sent to him by the College regarding the Order on October 26, 2015;
- Failed to respond to the College's inquiries to him regarding the Order and the remedial training required by subparagraph 3(i) of the Order, sent to him by letters and/or e-mails dated October 26, 2015, April 27, 2016, October 3, 2016 and October 24, 2016; and/or
- Failed to respond to the College's investigation regarding his failure to

complete the remedial training required by subparagraph 3(i) of the Order, despite having been granted several extensions of the time to provide a response.

In particular, the Panel found that he

- Contravened a term, condition or limitation imposed on his certificate of registration
- Failed to maintain a standard of practice of the profession
- 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 and unprofessional

At the same hearing, the Panel also made findings of professional misconduct against Mr. Kothari, while engaged in the practice of pharmacy as director, shareholder, Designated Manager and/or dispensing pharmacist at Ace Pharmacy at 6-1 Bartley Bull Parkway in Brampton, Ontario ("Ace Bartley") and Ace Pharmacy at 11-6980 Maritz Drive in Mississauga, Ontario ("Ace Maritz"), in that he:

- Submitted and/or permitted, consented to or approved, either expressly or by implication, the submission of, accounts or charges for services that he knew were false or misleading to the Ontario Drug Benefit program through Ace Maritz for:
- one or more of certain identified drugs and/or products, from on or about February 22, 2013 to on or about January 22, 2015,
- one or more of certain identified drugs and/or products, transferred from Ace Bartley to Ace Maritz between on or about February 22, 2013 and on or about January 22, 2015; and/or
- one or more of certain identified MedsCheck reviews, submitted from on or about May 1, 2013 to on or about December 25, 2013, which were non-compliant with the guidelines of the Ministry of Health and Long Term Care;
- Falsified and/or permitted, consented to or approved, either expressly or

by implication, the falsification of pharmacy records relating to his practice in relation to the dispensing of and/or claims made to the Ontario Drug Benefit program through Ace Maritz for:

- one or more of certain identified drugs and/or products, from on or about February 22, 2013 to on or about January 22, 2015,
- one or more of certain identified drugs and/or products transferred from Ace Bartley to Ace Maritz between on or about February 22, 2013 and on or about January 22, 2015; and/or
- one or more of certain identified MedsCheck reviews submitted from on or about May 1, 2013 to on or about December 25, 2013, which were non-compliant with the guidelines of the Ministry of Health and Long Term Care; and/or
- Failed to ensure that Ace Maritz and/or Ace Bartley complied with all legal requirements, including but not limited to, requirements regarding the transfer of prescriptions, record keeping, documentation, and billing the Ontario Drug Benefit Plan

In particular, it is alleged that he

- Failed to maintain a standard of practice of the profession
- Failed to keep records as required respecting his patients
- Falsified and/or permitted, consented to or approved, either expressly or by implication, the falsification of records relating to his practice
- Signed or issued, in his professional capacity, and/or permitted, consented to or approved, either expressly or by implication, the signing or issuing of a document that he knew contained a false or misleading statement
- Submitted and/or permitted, consented to or approved the submission of 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
- 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, 6 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
- Sections 155 and 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Section 43(2)(b) of Ontario Regulation 58/11 under the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Sections 8, 10 and 11 of the Narcotics Safety and Awareness Act, 2010 SO 2010, c 22
- Permitted, consented to or approved, either expressly or by implication, the contravention of a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs
- Sections 5, 6 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
- Sections 155 and 156 of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Section 43(2)(b) of Ontario Regulation 58/11 under the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Sections 8, 10 and 11 of the Narcotics Safety and Awareness Act, 2010 SO 2010, c 22
- 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 and unprofessional



Following findings of professional misconduct made on November 12 2018, and a further day of submissions on December 11, 2018, the Panel imposed an Order which included as follows:

- A reprimand
- Directing the Registrar to revoke the Member's Certificate of Registration
- Costs to the College in the amount of \$66,478.79,

The reprimand in this matter remains outstanding.

### **Violet Sargyos** (OCP #210444)

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At a hearing on December 18, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Sargyos with respect to the following incidents:

- Keeping medication on the dispensary shelf that was not properly labelled;
- Keeping medication in the dispensary that had previously been dispensed to patients and returned;
- Failing to dispose of expired products in a reasonably expeditious manner;
- Failing to document transfers of medications between pharmacies.

In particular, the Panel found that she

- Failed to maintain a standard of practice of the profession
- Failed to provide an appropriate level of supervision to a person she was professionally obligated to supervise
- Returned to stock, re-sold or re-dispensed a drug that was previously sold or dispensed
- 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 successfully complete, at her own expense, within 12 months of this Order:
    - i. the ProBE course on Professional, Problem-Based Ethics; and
    - ii. the College's Jurisprudence Exam.
  - b. that for a two-year period commencing December 18, 2018, the Member shall be prohibited from acting as a Designated Manager in any pharmacy.
  - c. that the Member's practice will be monitored by the College for a period of two years from the date of this Order on the following terms:
    - i. the monitoring will be by means of up to three 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, R.S.O. 1990, c. H.4., s. 148;
    - iii. the Member shall cooperate fully during such inspections; and
    - iv. the Member shall pay to the College in respect of such monitoring inspections the amount of \$1,000.00 per inspection, after each inspection
3. That the Registrar is directed to suspend the Member's Certificate of Registration for a period of four months, with one month of the suspension to be remitted on condition that the Member complete the remedial training

as specified in paragraph 2(a).

4. Costs to the College in the amount of \$5,000.00.

In its reprimand, the Panel noted that the Member failed to maintain the responsibilities and obligations expected of her as a member of this profession.

The Panel related that pharmacy is a self-regulated profession, and that pharmacists bear the responsibility to ensure that they maintain the trust of the public and members. The practice of pharmacy is a privilege and it comes with significant obligations to the public, the profession and oneself.

The Panel expressed its expectation that, in the future, the Member will practice pharmacy within the standards of this profession, and that she will take this opportunity to reflect on her actions and complete the required remediation. In doing so, the Panel expects that the Member will change the way she practices and that she will not appear again in front of a panel of the discipline committee.

**Joy Abanzukwe** (OCP #103497)

At a hearing on November 21, 2018 a Panel of the Discipline Committee made findings of professional misconduct against Ms. Abanzukwe in that she:

- Failed to appoint a Designated Manager for Remedy’s Rx Brock Medical Pharmacy for the periods between January 9, 2017-April 19, 2017 and/or June 12, 2017-August 11, 2017;
- Failed to pay costs of \$1,000.00 each for monitoring inspections conducted by the College at Bathurst-Dundas Guardian Pharmacy on or about April 21, 2017 and/or at Remedy’s Rx Brock Medical Pharmacy on or about April 27, 2017 pursuant to the terms, conditions or limitations imposed on her certificate of registration by order of a Panel of the Discipline Committee on December 8, 2016 (Decision and Reasons issued in writing on April 7, 2017);
- Failed to pay costs to the College by installments of \$1,250.00 each on January 8, 2017; April 8, 2017; July 8, 2017; and/or October 8, 2017

as ordered by a Panel of the Discipline Committee on December 8, 2016 (Decision and Reasons issued in writing on April 7, 2017)

In particular, the Panel found that she:

- Contravened a term, condition or limitation imposed on her certificate of registration
- Contravened section 146(1.1) of the Drug and Pharmacies Regulation Act, R.S.O. 1990, c. H-4, as amended
- Failed to comply with an order of a Committee or a panel of a Committee of the College
- 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 and 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 requiring that:
  - (a) the Member shall pay to the College, by certified cheque or bank draft, the total amount of \$5,750.00, allocated as follows:
    - (i) \$3,750.00 on account of unpaid and outstanding costs owed to the College by the Member as a result of the Order of the College Discipline Committee, dated December 8, 2016; and
    - (ii) \$2,000.00 on account of unpaid and outstanding costs owed to the College by the Member as a result of College monitoring inspections conducted on April 21, 2017 and April 27, 2017.
  - (b) the \$5,750.00 payment described in subparagraph 2(a) shall be payable in installments of \$500.00, with the first installment due immediately following the hearing on November 21, 2018, the second installment due on April 1, 2019, and each subsequent installment due on the first day of each month thereafter, until the full amount has been

paid by the Member to the College.

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of not less than two (2) months, to commence on December 1, 2018 and continue without interruption until January 31, 2019, and then to continue until the \$5,750.00 payment described in subparagraph 2(a) has been paid in full. The suspension of the Member's Certificate of Registration shall itself be suspended on February 1, 2019 and shall remain suspended as long as the Member complies with the schedule of payment by installments set out in subparagraph 2(b) above. If the Member fails to pay any installment payment due to the College in accordance with the payment schedule described in subparagraph 2(b), the suspension of the Member's Certificate of Registration shall be reinstated forthwith and the suspension of the Member's certificate of registration shall continue unless and until the Member makes all payments due to the College to the date of such payment, at which time the suspension of the Member's Certificate of Registration shall be suspended again.
4. Costs to the College in the amount of \$1,250.00.

In its reprimand, the Panel noted that the Member, with her actions, has tainted the entire profession in the eyes of the public. Her actions have also completely disregarded the governing authority of the College.

The Panel pointed out that the practice of Pharmacy is a privilege that carries with it significant obligations to the public, the profession and to oneself. The Member's misconduct has eroded the public trust in the pharmacy profession and cast a shadow over her own integrity.

The Panel expressed its hope that this hearing has given the Member the opportunity to pause for reflection and move forward in practising pharmacy within the standards of the profession, and that she will not appear again in front of a panel of the Discipline committee.

### Sameh Ghobrial (OCP #617587)

After a hearing held from November 29 to December 2, 2016, and December 13, 2016, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Ghobrial with respect to the following incidents:

- On one or more occasions, he offered a gift card to a potential patient, via telephone, in an attempt to have them transfer a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
- He offered a reduction in dispensing fee to a potential patient, in person, in an attempt to have them fill a prescription (or prescriptions) at Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
- On one or more occasions, he told a potential patient that they would be offered a gift card if they transferred a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
- He told a potential patient that they would be given free items for transferring a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
- He attempted to transfer patient prescriptions to Canadian Pharmacy Guelph without patient consent, or caused, permitted, or consented to such an attempt being made
- He appropriated and used confidential client information for an improper purpose, or caused, permitted, or consented to such appropriation and use
- He told a potential customer that they would be offered a discount if they transferred a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)

In particular, the Panel found that he

- Failed to maintain a standard of the profession
- Contacted or communicated with, or caused or permitted someone to contact or communicate with potential patients, in person and/or by phone, in an attempt to solicit business
- Offered or distributed, directly or indirectly, a gift, rebate, bonus or other inducement with respect to a prescription or prescription services
- 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 with respect to the following findings:
  - o On one or more occasions, he offered a gift card to a potential patient, via telephone, in an attempt to have them transfer a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
  - o He offered a reduction in dispensing fee to a potential patient, in person, in an attempt to have them fill a prescription (or prescriptions) at Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
  - o On one or more occasions, he told a potential patient that they would be offered a gift card if they transferred a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
  - o He told a potential patient that they would be given free items for transferring a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)
  - o He attempted to transfer patient prescriptions to Canadian Pharmacy Guelph without patient consent, or caused, permitted, or consented to such an attempt being made
  - o He told a potential customer that they would be offered a discount if

they transferred a prescription (or prescriptions) to Canadian Pharmacy Guelph (or caused, permitted, or gave consent for another individual to do the same)

- 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 and unprofessional with respect to the following finding:
  - o He appropriated and used confidential client information for an improper purpose, or caused, permitted, or consented to such appropriation and use

Following a further day of hearing on June 6, 2018, 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 for a period of two years beginning June 6, 2018 and ending June 5, 2020, the Member shall be prohibited from acting as a Designated Manager in any pharmacy;
  - b. That the Member shall complete successfully, at his own expense:
    - i. The ProBE Program on Professional/Problem Based Ethics for healthcare professionals, with an unconditional pass, within 12 months of June 6, 2018, and;
    - ii. A course with Gail E. Siskind Consulting Services, or another professional ethics consultant chosen by the College, to be designed by the consultant, for the purpose of addressing the professional and ethical obligations arising in the Member’s case, within 18 months of June 6, 2018; and the following terms shall apply to the course:
      1. the number of sessions shall be at the discretion of the consultant, but shall be at least three meetings;
      2. 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;

3. the Member shall provide to the consultant, in advance of the course, a copy of the Panel's Reasons for Decision dated December 11, 2017;
4. the Member shall provide the consultant, in advance of the course, a copy of his evaluation from the ProBE course, and any essay he completed as part of that course, and shall discuss with the consultant issues arising from that course;
5. the Member will request a report from the consultant confirming that the Member has completed the course to the satisfaction of the consultant, and the Member will provide a copy of the report to the College within 18 months of June 6, 2018

3. That the Registrar suspend the Member's Certificate of Registration for a period of 12 months from the date of the Reprimand, with two months remitted on completion of the remedial training in paragraph 2(b), above. If the remitted portion of the suspension is required to be served because the member fails to complete the remediation specified in paragraph 2(b)(i), then the remitted portion shall commence the day following the day on which 12 months have passed since the date of the Order. If the remitted portion of the suspension is to be served because the member fails to complete the remediation specified in paragraph 2(b)(ii), then the remitted portion shall commence the day following the day on which 18 months have elapsed since the date of the Order.

4. Costs to the College in the amount of \$25,000.00

In its reprimand, the Panel noted that the Member put his own personal needs ahead of the trust of the patient. The Panel pointed out that he abused the trust that all patients reasonably place in their pharmacy of choice and misused improperly obtained patient information, which shows moral failing on his part.

The Panel observed that the Member's behavior caused harm to a vulnerable patient population as they were quite young, elderly, of compromised health, or otherwise at risk of being taken advantage of.

The Panel expressed its view that the Member's conduct is particularly abhorrent, and significantly impacts the profession and its ability to provide healthcare to the most vulnerable patients. The Panel related that, ultimately, the Member's actions jeopardized the public's trust in all pharmacists, and that he has betrayed the people of Ontario.

The Panel expressed its anticipation that the Member will not appear before a Panel of the Discipline Committee of the Ontario College of Pharmacists again.

As of the publication of this report, this decision is the subject of an ongoing appeal.

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### **Ragaie Khalil** (OCP #205504)

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At a hearing on September 11, 2017, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Khalil with respect to the following incidents:

- That he submitted false claims to the Ontario Drug Benefit Program having an approximate value of more than \$80,000 for various drugs and/or other products that were not actually dispensed to patients, in or about the period of June 1, 2011 to May 31, 2013; and/or
- That he created false records of dispensing and/or billing transactions in relation to the false claims submitted to the Ontario Drug Benefit program, in or about the period of June 1, 2011 to May 31, 2013.

In particular, the Panel found that he:

- 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, ss. 5, 6 and/or 15(1)
- 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 and unprofessional

After further arguments with respect to the Order to be made which were heard on December 13, 2017, the Panel imposed an Order which included as follows:

1. A reprimand on a date to be determined within 12 months of the date of this Order [December 13, 2017]
2. That the Registrar be directed to impose the following conditions on the Member's certificate of registration:
  - a. that the Member shall successfully complete, with an unconditional pass, at his own expense and within twelve (12) months of the date of this Order [December 13, 2017], the ProBE Program on Professional/ Problem Based Ethics for Healthcare Professionals and any related evaluations offered by the Centre for Personalized Education for Physicians;
    - i. the Registrar is empowered, in her discretion, to grant a request for an extension of time to complete the remedial steps set out in paragraph 2(a), if the Registrar is of the view that it would be in the interests of fairness to do so and that it would not be contrary to the College's mandate to serve and protect the public interest
  - b. that the Member shall be prohibited, for a period of three (3) years from the date the Order is imposed [December 13, 2017], from acting as a Designated Manager in any pharmacy;
  - c. that the Member shall be prohibited, for a period of three (3) years from the date the Order is imposed [December 13, 2017], from receiving any remuneration for his work as a pharmacist, or related in any way to the operation of a pharmacy, other than remuneration based on hourly or weekly rates or salary and in particular, not on the basis of any

incentive or bonus for prescription sales.

- d. that the Member shall, for a period of three (3) years from the date the Order is imposed [December 13, 2017], ensure that his employer has confirmed in writing to the College that they have received and reviewed a copy of the Discipline Committee Panel's decision in this matter and their 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 11 months of which one (1) month shall be remitted upon the Member successfully completing the remedial training as specified in subparagraph 2(a) above. The suspension shall commence on December 14, 2017, and run until October 13, 2018, inclusive. If the remitted portion 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 remainder of the suspension shall commence on December 14, 2018, and continue until January 13, 2018, inclusive, unless the time for completing the remedial steps in paragraph 2(a), above, is extended by the Registrar, in which case, the date the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.
4. Costs to the College in the amount of \$10,000.00.

The Panel reserved its decision regarding two terms of the Order that were disputed by the parties.

In a decision dated August 10, 2018, the Panel imposed the following terms, conditions or limitations to paragraph 2 of its Order:

- e. that the Member shall be prohibited, for a period of three (3) years from the date this term, condition or limitation is imposed [August 10, 2018], from having any proprietary interest in a pharmacy as sole proprietor or partner, or shareholder in a corporation that owns a pharmacy, or in any other capacity; and
- f. that the Member shall be prohibited, for a period of three (3) years from the date this term, condition or limitation is imposed [August 10, 2018], from acting as a director of a corporation that owns a pharmacy.

In its reprimand, the Panel noted that the profession of pharmacy is one which

considers the protection of the public to be paramount. As a pharmacist, the Member provides care to the public and that same public trusts that he will provide integrity in both his professional and business dealings. The Panel noted that pharmacists are held in high regard for their role in the provision of healthcare in Ontario and that the Member has seriously damaged this accolade.

The Panel expressed its extreme disappointment in the Member's conduct and noted that it is appalled by the facts presented in this case. In particular, the Panel pointed out that the Member defrauded the people of Ontario, which has a negative impact on health care funding. His actions undermined the public's confidence in the profession of pharmacy and endangered its trusted reputation. By altering the records of his patients, the Member has put patients' health and right to privacy at risk. This demonstrates a flagrant disregard for public safety and his responsibilities as a health care professional.

The Panel expressed its expectation that the Member has learned from this experience and will not appear before a panel of the Discipline Committee of the Ontario College of Pharmacists again.

As of the publication of this report, aspects of this decision are the subject of an ongoing appeal.

### **Ahab Elmadhoun** (OCP #612811)

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At a hearing on June 18, 2018, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Elmadhoun with respect to the following incidents:

- He was found guilty by the United States District Court for the Eastern District of Michigan in relation to the following counts:
  - o Count 1: Conspiracy to Distribute and Possess With Intent to Distribute Controlled Substances
  - o Count 4: Monetary Transactions in Property Derived from Specified Unlawful Activity

- He was found guilty of an act of professional misconduct by the Michigan Board of Pharmacy (Discipline Subcommittee) by way of the following orders:

- o Consent Order signed by the Member on December 2, 2014;
- o Consent Order signed by the Member on October 28, 2010

In particular, the Panel found that he:

- Was found guilty of an offence that is relevant to his suitability to practise
- Was found guilty of an act of professional misconduct by the Michigan Board of Pharmacy (Discipline Subcommittee)

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 for the period commencing on the date of this Order and ending three years from the date of the Reprimand, 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;
    - iii. Receiving any remuneration for his work as a pharmacist other than remuneration based only on hourly or weekly rates, and not on the basis of any incentive or bonus for prescription sales.
  - (b) That the Member shall complete successfully, at his own expense:
    - i. The ProBE Program on Professional/Problem Based Ethics for healthcare professionals, with an unconditional pass, within 12 months of the date of the Reprimand; and
    - ii. The ProBE Plus Program, within 26 months of the date of the



Reprimand.

3. That the Registrar suspend the Member's Certificate of Registration for a period of six months from the date of the Reprimand, with one month remitted on completion of the remedial training in paragraph 2(b), above. If the remitted portion of the suspension is required to be served because the member fails to complete the remediation specified in paragraph 2(b)(i), then the remitted portion shall commence the day following the day on which 12 months have passed since the date of the Reprimand. If the remitted portion of the suspension is to be served because the member fails to complete the remediation specified in paragraph 2(b)(ii), then the remitted portion shall commence the day following the day on which 26 months have elapsed since the date of the Reprimand.

The reprimand in this matter remains outstanding.

## **Nagy Riad**

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This individual applied for reinstatement of his Certificate of Registration. Following a hearing held on July 16, 2018, the application was denied by a panel of the Discipline Committee in a decision dated October 16, 2018.

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