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# APPENDIX A DISCIPLINE CASE SUMMARIES 2019



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).

**Abdelaziz Maharem** (OCP #212352)

Following a hearing held on January 14 and 15, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Maharem in that:

- On or about June 16, 2014, he inappropriately touched [...];
- He failed to provide to the Registrar the details of a charge against him under the *Criminal Code of Canada*, as set out in an information sworn on or about August 11, 2014, namely a charge relating to the offence of sexual assault;
- He failed to provide to the Registrar the details of a finding of guilt made against him on or about May 19, 2016,\* namely a finding that he committed the offence of sexual assault, within 30 days of that finding, as required by the By-Laws of the Ontario College of Pharmacists; and
- On or about April 3, 2018, he was found guilty of sexual assault, contrary to section 271 of the *Criminal Code of Canada*.

\* Note: this conviction was set aside following an appeal, and a new trial was ordered.

In particular, the Panel found that he:

- Has been found guilty of an offence that is relevant to his suitability to practise;
- Contravened a term, condition or limitation imposed on his certificate of registration;
- 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 unprofessional.

The Panel imposed an Order which included:

1. A reprimand;
2. Directing the Registrar to revoke Mr. Maharem's Certificate of Registration;
3. Costs to the College in the amount of \$12,000.

In its reprimand, the Panel noted that Mr. Maharem has been convicted of an appalling breach of the standards of practice of the profession of pharmacy. The Panel observed that members of the public hold pharmacists in high regard. As a pharmacist, Mr. Maharem failed in his moral obligation to conduct himself in a manner that was professional and maintains public confidence.

The Panel pointed out that pharmacy is a self-regulated profession, and that it has a responsibility to ensure that the public is adequately protected and to maintain the public's confidence in its ability to govern members.

The Panel noted that pharmacists are expected to demonstrate personal and professional integrity and to maintain professional boundaries at all times. These boundaries are based on trust, respect and the appropriate use of power. Mr. Maharem's conduct undermined the foundation of the trust that exists between pharmacy professionals, employees, and the public.

The Panel observed that it has an obligation to ensure that the penalty is appropriate to the findings. The Panel expressed its view that Mr. Maharem's actions constitute one of the most serious manifestations of professional misconduct.

**Boules Awad** (OCP #604940)

At a hearing on February 5 and 6, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Boules Awad with respect to six separate referrals from the Inquiries, Complaints and Reports Committee, as follows:

## Referral 1

The Panel found that Mr. Awad, from in or about August 2016 to in or about March 2017, while engaged in the practice of pharmacy as owner, Designated Manager and/or dispensing pharmacist, committed professional misconduct in that he:

- Submitted accounts or charges for services that he knew or reasonably ought to have known was false or misleading to the Ontario Drug Benefit program for up to 451 MedsCheck reviews that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care;
- Falsified pharmacy records in relation to claims made to the Ontario Drug Benefit Program for up to 451 MedsCheck reviews submitted that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care; and/or,
- Failed to keep records as required in relation to up to 451 MedsCheck claims made to the Ontario Drug Benefit Program.

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;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, or the regulations under those Acts, and in particular sections 20 and 21 of *Ontario Regulation 264/16*;
- Failed to keep records as required;
- 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.

#### Referral 2

The Panel found that Mr. Awad, from in or about June to August 2017, while

engaged in the practice of pharmacy as owner, Designated Manager and/or dispensing pharmacist, committed professional misconduct in that he:

- Dispensed acetaminophen from two different prescriptions where one of the prescriptions was discontinued and the total amount of acetaminophen dispensed exceeded the maximum daily dosage;
- Dispensed nortriptyline (Aventyl) after being directed to discontinue and therefore without a prescription or lawful authorization; and/or,
- Billed the Ontario Drug Benefit Program and/or a private insurer for certain identified prescriptions where there was no prescription or lawful authorization to dispense and bill for the medications.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Submitted an account or charge for services that he knew or ought to have known 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 dishonourable and unprofessional.

#### Referral 3

The Panel found that Mr. Awad, while engaged in the practice of pharmacy as owner, Designated Manager and/or dispensing pharmacist, committed professional misconduct in that he:

- Submitted false claims to the Ontario Drug Benefit Program on behalf of [Patient A] for one or more of certain identified prescriptions;
- Declined to dispense Humira to [Patient A] despite being provided with a valid prescription;
- Submitted claims to the Ontario Drug Benefit Program for Humira that was not dispensed and/or offered cash in lieu of dispensing Humira to [Patient A];

- Offered money to [Patient A] in exchange for her not filing a complaint against him to the Ontario College of Pharmacists;
- Dispensed Humira to [Patient A] that was not refrigerated;
- Dispensed medications and/or drugs to [Patient A] without a prescription, including, but not limited to, Percocet; and/or,
- Dispensed medications and/or drugs to [Patient A] without proper labelling.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Discontinued professional services that were needed;
- Failed to keep records as required respecting his practice;
- Falsified a record relating to his practice or a person's health record;
- Signed or issued, in his professional capacity, a document he knew contained a false or misleading statement;
- Submitted an account or charge for services that he knew was 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, with respect to submitting claims for payment to the Ontario Drug Benefit program where no payment was required, and/or that he knew or reasonably ought to have known were false, inaccurate or misleading claims;
- 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;

- Engaged in conduct that is unbecoming a member.

#### Referral 4

The Panel found that Mr. Awad, on or about October 24, 2017, while engaged in the practice of pharmacy as owner and/or Designated Manager, committed professional misconduct in that he:

- Failed to appropriately supervise an unregulated employee and/or permitted an unregulated employee to dispense and/or sell Tylenol #1; and/or,
- Failed to appropriately supervise an unregulated employee and/or permitted an unregulated employee to perform acts within the scope of practice of pharmacy, including the provision of information related to the use of Tylenol #1.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Failed to provide an appropriate level of supervision to a person he was professionally obligated to supervise;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, the *Narcotics Safety and Awareness Act, 2010*, the *Drug Interchangeability and Dispensing Fee Act* or the *Ontario Drug Benefit Act* or the regulations under those Acts and, in particular, contravened section 149 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4;
- Contravened a federal, provincial, or territorial law with respect to the distribution, purchase, sale, or dispensing or prescribing of a drug or product and, in particular, section 149 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4;
- Permitted, counselled, or assisted, whether expressly or by implication, the commission of an offence against any Act relating to the practice of pharmacy or the sale of drugs and, in particular, section 149 of *Drug and*

*Pharmacies Regulation Act, R.S.O. 1990, c. H.4:*

- 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 dishonourable and unprofessional.

#### Referral 5

The Panel found that Mr. Awad, from in or about August 2016 to in or about October 2017, while engaged in the practice of pharmacy as owner, Designated Manager and/or dispensing pharmacist, committed professional misconduct in 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 and/or a private insurer in relation to:
  - o Certain identified MedsCheck reviews that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care;
  - o Certain identified prescriptions;
  - o Certain identified medications dispensed;
- Falsified pharmacy records in relation to:
  - o Certain identified MedsCheck reviews that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care;
  - o Certain identified prescriptions;
  - o Certain identified medications dispensed;
- Failed to keep records as required in relation to:
  - o Certain identified MedsCheck reviews that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care;

- o Certain identified prescriptions;
- o Certain identified medications dispensed;
- Dispensed a benzodiazepine (and in particular, Valium) without a prescription or legal authorization;
- Provided false and/or misleading information to an investigator of the Ontario College of Pharmacists and, in particular, falsely advising that:
  - o [Patient B] regularly picked up medication from the Pharmacy;
  - o He personally delivered Paliperidone injections to the [Facility] Health Team and to a particular doctor in respect of [Patient B];
  - o That the particular doctor requested a fill of Paliperidone for [Patient B] on or about October 24, 2017; and/or,
  - o Another pharmacy involved in [Patient B]'s care would not provide puffers.

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 or ought to have known contained a false or misleading statement;
- Submitted an account or charge for services that he knew or ought to have known was false or misleading;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, or the regulations under those Acts, and in particular
  - o sections 20 and 21 of *Ontario Regulation 264/16*;
- Failed to keep records as required;

- 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 5(1) of the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19 with respect to the trafficking of a controlled substance (Valium);
- 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.

#### Order

With respect to all of the findings set out above, the Panel imposed an Order, as follows:

1. A reprimand, to be delivered in writing;
2. Directing the Registrar to revoke Mr. Awad's Certificate of Registration;
3. Costs to the College in the amount of \$15,000.

In its written reprimand, the Panel notes that pharmacy is a highly respected profession, and that Mr. Awad failed to maintain the responsibilities and obligations expected of him as a member of this profession. The Panel observed that Mr. Awad failed to fulfil his duties as a Designated Manager, and engaged in conduct which involved deceit, dishonesty, and continuous moral failings. He failed to live up to the standards that were expected of him by the profession, and by the public he served.

This Panel expressed its deep concern for Mr. Awad's continual disregard of laws and regulations that govern the profession of pharmacy. The Panel was of the view that the revocation of his certificate of registration was essential to protect the public and maintain the honor of the profession.

#### Referral 6

At the same hearing, the Panel found that Mr. Awad, while engaged in the practice of pharmacy as owner, Designated Manager and/or dispensing pharmacist, committed professional misconduct in that he:

- Failed to provide to the Registrar the details of charges against him under the *Criminal Code of Canada*, R.S.C., 1985 c. C-46 as set out in an information sworn on or about September 9, 2016 and/or October 28, 2016, namely charges relating to the offences of sexual assault and sexual exploitation of a young person;
- Falsely indicated on his renewal documents that were submitted to the College that he was not the subject of any current proceeding in respect of any offence in any jurisdiction at a time when he was the subject of charges under the *Criminal Code of Canada*, R.S.C., 1985 c. C-46 as set out in an information sworn on or about September 9, 2016 and/or October 28, 2016.
- Touched an employee of the Pharmacy on the premises of the Pharmacy on her buttocks for sexual and/or improper purposes.

In particular, the Panel found that he:

- Contravened a term, condition or limitation imposed on his certificate of registration, and specifically the term set out in section 5(1)(ii) of *Ontario Regulation 202/94*;
- 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 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.

With respect to this finding, the Panel imposed an Order, as follows:

1. A reprimand, to be delivered in writing;
2. Directing the Registrar to revoke Mr. Awad's Certificate of Registration;
3. Costs to the College in the amount of \$20,000.

In its written reprimand, the Panel noted that it does not condone actions of sexual assault or harassment. For Mr. Awad to engage in this type of conduct at work, with an employee who was a minor, is truly an unspeakable violation of

one's rights.

The Panel observed that Mr. Awad exploited the power imbalance at the workplace and took advantage of an employee for his own purposes. The Panel pointed out that Mr. Awad's actions brought shame to him and to the profession of pharmacy, and that his behavior is unacceptable. He ought to have known better not to abuse his position as pharmacist, designated manager and owner of a pharmacy by engaging in this conduct.

### Michael Yamasaki (OCP #72141)

At a hearing on February 20, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Yamasaki in that he:

- Participated in and carried out a conspiracy to steal and traffic controlled substances (including morphine, hydromorphone, codeine, oxycontin, pethidine, and/or fentanyl) from the Pharmacy;
- Was found of guilty on June 14, 2018 by the Ontario Court of Justice at Newmarket in relation to the following counts:
  - Obstruction of justice (September 2, 2017);
  - Conspiracy to commit theft over \$5,000 (August 1, 2017 to September 2, 2017);
  - Conspiracy to possess controlled substances for the purpose of trafficking (August 1, 2017 to September 2, 2017);
  - Trafficking a controlled substance – morphine (September 2, 2017);
  - Trafficking a controlled substance – hydromorphone (September 2, 2017);
  - Trafficking a controlled substance – codeine (September 2, 2017);
  - Trafficking a controlled substance – oxycontin (September 2, 2017);
  - Trafficking a controlled substance – pethidine (September 2, 2017);

- Trafficking a controlled substance – fentanyl (September 2, 2017);
- Conspiracy to commit theft over \$5,000 (April 1, 2017 to April 27, 2017);
- Conspiracy to possess controlled substances for the purpose of trafficking (April 1, 2017 to April 27, 2017).

In particular, the Panel found that:

- He was found guilty of an offence that is relevant to his suitability to practise;
- While engaged in the practice of pharmacy at Ben's Pharmacy in Pefferlaw, Ontario, in the period from about April 1, 2017 to September 2, 2017, he
  - Failed to maintain a standard of practice of the profession;
  - Dispensed or sold drugs for an improper purpose;
  - Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement: namely, Loss or Theft Reports to Health Canada dated May 1, May 25, and September 3, 2017;
  - Contravened s. 155 of the *Drug and Pharmacies Regulation Act*;
  - Contravened section 5(1) of the *Controlled Drugs and Substances Act*, section 465(1)(c) of the *Criminal Code*, section G.03.002 of the *Food and Drug Regulations*, C.R.C., c. 870, and section 31 of the *Narcotic Control Regulations*, C.R.C., c. 1041;
  - Knowingly permitted the premises in which a pharmacy was located to be used for unlawful purposes in circumstances where such purposes would reasonably be regarded by members as likely to demean the integrity or dignity of the profession or bring the profession into disrepute;
  - Permitted, consented to, approved, counselled or assisted, whether expressly or by implication, the commission of an offence against any

Act relating to the practice of pharmacy or the sale of drugs: namely, by contravening section 5(1) of the *Controlled Drugs and Substances Act*, section 465(1)(c) of the *Criminal Code*, section G.03.002 of the *Food and Drug Regulations*, C.R.C., c. 870, and section 31 of the *Narcotic Control Regulations*, C.R.C., c. 1041;

- o 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;
- o Engaged in conduct unbecoming a member.

The Panel imposed an Order, , as follows:

1. A reprimand;
2. That the Registrar is directed to revoke Mr. Yamasaki's certificate of registration;
3. Costs to the College in the amount of \$2,500.00.

In its reprimand, the Panel noted that pharmacy is a highly respected profession. The Panel observed that it is disturbing to see that Mr. Yamasaki resorted to such conduct, which involved theft of his inventory for the purpose of trafficking the medication for his monetary gain. The Panel indicated that Mr. Yamasaki's deceitful and selfish actions have put the public at risk by contributing to the opioid epidemic, which has resulted in unnecessary drug overdoses and deaths.

The Panel related that Mr. Yamasaki's failure to maintain the standards of practice, his violation of the code of ethics, and his actions of professional misconduct, including conduct unbecoming a member of the profession, warrant the revocation of his certificate of registration. The Panel expressed its view that the people of Ontario and the profession will be well served by the revocation of his license to practise.

**Mohamed Khandwalla** (OCP #608621)

At a hearing on March 6, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Khandwalla in that he:

- Engaged in a course of vexatious comment or conduct that was known or ought reasonably to be known to be unwelcome, towards his co-worker and patient, [the Patient]; and/or
- Touched inappropriately or attempted to touch inappropriately his co-worker and patient, [the Patient]; and/or
- Engaged in touching of a sexual nature, or behaviour or remarks of a sexual nature, towards his co-worker and patient, [the Patient].

In particular, the Panel found that he:

- Sexually abused a patient;
- 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, , 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 (twelve) months of the date of this Order, the ProBE Program: Professional/Problem-Based Ethics offered by the Center for Personalized Education for Professionals; and
  - (b) that the Member successfully complete, at his own expense and within 12 (twelve) months of the date that he successfully completes the ProBE course identified above in paragraph 2(a), a course with Gail E. Siskind Consulting Services, or another professional ethics consultant acceptable to the College, to be designed by the consultant, with the purpose of addressing the professional misconduct issues raised in this



case. The following terms shall apply to the course:

- a. The number of sessions shall be at the discretion of the consultant, but shall be no fewer than 2 (two);
- b. The manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
- c. the Member shall 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; and
- d. The Member shall direct the consultant to report the results of the course to the College, no later than 24 months from the date of this Order, and to confirm that the Member has completed the course to the satisfaction of the consultant; and

(c) that the Member shall be prohibited, for a period of 3 (three) years from the end of the period of suspension set out in paragraph 3, below, from acting as a Designated Manager at any pharmacy.

3. That the Registrar suspend the Member's Certificate of Registration for a period of 6 (six) months, with 1 (one) month of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraphs 2(a) and 2(b), above.

In its reprimand, the Panel noted that members of the public hold pharmacists in high regard. Pharmacists have a moral obligation to conduct themselves in a manner that is professional and maintains public confidence.

The Panel pointed out that pharmacists are expected to demonstrate personal and professional integrity and to maintain professional boundaries at all times. These boundaries are based on trust, respect, and the appropriate use of power. These standards are high and the Member failed in maintaining them.

The Panel expressed its expectation that the Member has had a chance to reflect on his misconduct and is remorseful. The Panel noted that the

remediation ordered today is intended to provide him with an opportunity for rehabilitation of his conduct in the workplace.

The Panel relayed its further expectation that they will not see the Member again before a panel of the Discipline Committee of the Ontario College of Pharmacists.

### **Elizabeth Wright** (OCP #105686)

At a hearing on March 14, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Wright with respect to the following incidents:

- On or about February 4, 2018, she provided, to two patients who had requested naloxone kits, kits containing ampoules of fentanyl, rather than ampoules of naloxone.

In particular, the Panel found that she:

- 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 unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. That the Registrar be directed to impose the following terms, conditions and limitations on the Member's certificate of registration:
  - a. that the Member successfully complete, at her own expense and within twelve (12) months of the date of this order, the Institute for Safe Medication Practices Canada program, "Medication Safety: Incident Analysis and Proactive Risk Assessment", including Root Cause Analysis and Failure Mode and Effects Analysis;
3. Costs to the College in the amount of \$3,000.00.

In its reprimand, the Panel noted that the practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession, and to oneself. The safety of patients is of paramount concern.

The Panel observed that, although this was the Member's first appearance before a panel of the Discipline Committee, her dispensing error caused serious potential risk to a vulnerable patient population.

The Panel expressed its expectation that the Member will continue the necessary adjustments to her practice, and that she will benefit from the remediation imposed by this Order.

### **Anthony Evans** (OCP #9857)

At a hearing on March 28, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Evans in that he:

- Dispensed certain identified prescription medications to himself purportedly authorized by physicians Dr. [A] or Dr. [B] where no such authorizations were given;
- Falsely recorded authorizations of Dr. [A], or Dr. [B] on certain identified prescriptions dispensed to himself without physician authorization;
- Regularly dispensed certain identified prescription medications to himself in contravention of the College's Policy on Treating Self and Family Members.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Falsified pharmacy records;
- Signed or issued, in his professional capacity, a document he knew contained a false or misleading statement;
- Contravened *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991* or the regulations under those Acts: namely, section 155(1) of the *Drug and Pharmacies Regulation Act*

and/or section 40(1) of *Ontario Regulation 58/11*;

- 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: namely, section 155(1) of the *Drug and Pharmacies Regulation Act* and/or section 40(1) of *Ontario Regulation 58/11*;
- 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, 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: that the Member must successfully complete, at his own expense, the ProBE course on Professional, Problem-Based Ethics, with an unconditional pass, within 12 months of the date of this Order;
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. The suspension shall commence on March 28, 2019, and shall continue until June 27, 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 as specified in paragraph 2, that portion of the suspension shall commence on March 29, 2020, and shall continue until April 28, 2020, inclusive, unless the time for completing the remedial training in paragraph 2, above is extended by the Registrar, in which case, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly; and
4. Costs to the College in the amount of \$1,500.00.

In its reprimand, the Panel noted that although this was the Member's first appearance before a panel of the Discipline Committee, it was important to impress upon him the seriousness of his conduct.

The Panel pointed out that, through this professional misconduct, the Member failed in his obligation to adhere to the standards of practice. He dispensed to himself without proper authorization and falsified records.

Although the Panel acknowledged his admission of guilt and expression of remorse, it expressed its expectation that he will continue the necessary adjustments to his practice and will benefit from the remediation steps imposed by this Order.

**2549363 Ontario Inc., c.o.b. as FYP Pharmacy (Accreditation #306094), and David Bedggood (OCP #82791), sole director of 2549363 Ontario Inc., and the designated manager of FYP Pharmacy**

At a hearing on April 2, 2019, a Panel of the Discipline Committee made findings of proprietary misconduct against 2549363 Ontario Inc., c.o.b. as FYP Pharmacy, and David Bedggood, sole director of 2549363 Ontario Inc., and the designated manager of FYP Pharmacy with respect to the following:

- Documents signed or issued to wholesalers who supplied products to FYP Pharmacy;
- Accepting deliveries of drugs in or around the waiting area in the foyer of FYP Pharmacy for immediate transport to [Name] Ltd. at another location;
- Failing to maintain the requirements for the certificate of accreditation of FYP Pharmacy;
- Misleading suppliers of drugs to FYP Pharmacy as to whom they were providing drugs and/or that the drugs would be exported from Canada; and/or
- Operating FYP Pharmacy as a wholesaler and/or without having an establishment licence to do so.

In particular, the Panel found that 2549363 Ontario Inc., to whom the certificate of accreditation for FYP Pharmacy was issued, and David Bedggood, the sole director of 2549363 Ontario Inc., and the designated manager of FYP Pharmacy:

- Failed to maintain any of the standards of accreditation, including the standards for accreditation as set out in sections 18, 19, 20, and 22 of *Ontario Regulation 264/16*;
- Signed or issued a document that contained a false or misleading statement;
- Contravened the *Drug and Pharmacies Regulation Act*, the *Pharmacy Act, 1991*, the *Regulated Health Professions Act, 1991*, the *Narcotics Safety and Awareness Act, 2010*, the *Drug Interchangeability and Dispensing Fee Act*, the *Ontario Drug Benefits Act* or the regulations under those Acts, including sections 19, 20, and 22 of *Ontario Regulation 264/16* under the *Drug and Pharmacies Regulation Act*;
- Contravened a federal, provincial or territorial law or any municipal by-law, with respect to the distribution, purchase, sale, dispensing or prescribing of any drug product, the administering of any substance or the piercing of the dermis, where the purpose of the law or by-law is to protect or promote public health, or where the law or by-law relates to the operation of the pharmacy or the provision of pharmacy services, including subsection C.01A.004(1) of the *Food and Drug Regulations, C.R.C., c. 870*, as amended;
- Used, or knowingly permitted the use of, the premises in which a pharmacy is located, or the area adjacent to such premises, for unlawful purposes;
- Engaged in conduct or performed an act relevant to the operation of a pharmacy that, having regard to the circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. An Order directing the Registrar to suspend the Member's certificate of registration for a period of seven (7) months, with one (1) month of the suspension to be remitted on the condition that the Member completes the ethics course specified in subparagraph 3(b) below. This suspension shall commence on the date this Order becomes final. If the remitted portion of the suspension is required to be served by the

Member because he fails to complete the ethics course as specified in subparagraph 3(b) below, that portion of the suspension shall commence on the date that is twelve (12) months after the date this Order becomes final. If the time for completing the ethics course in subparagraph 3(b) below is extended by the Registrar, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly;

3. an Order directing the Registrar to impose specified terms, conditions and limitations on the Member's certificate of registration, as follows:
  - a. the Member must successfully complete, at his own expense and within twelve (12) months of the date this Order becomes final, all six (6) of the College's current Jurisprudence e-Learning Modules and the Jurisprudence Exam;
  - b. the Member must successfully complete, at his own expense and within twelve (12) months of the date this Order becomes final, the PROBE Program on Professional / Problem-Based Ethics for healthcare professionals offered by the Center for Personalized Education for Physicians, with an unconditional pass;
  - c. for a period of three (3) years, commencing on the date this Order becomes final, the Member shall be prohibited from acting as a Designated Manager at any pharmacy;
  - d. for a period of three (3) years, commencing on the date this Order becomes final, the Member shall be prohibited from having any proprietary interest in any pharmacy of any kind, including but not limited to keeping or acquiring any ownership interest, direct or indirect, controlling or otherwise, in any pharmacy, either outright or as a shareholder of a corporation that owns a pharmacy, and the Member shall be prohibited from acting as a director of a corporation that owns a pharmacy. The prohibitions in this paragraph do not apply to owning shares in a publicly traded company that has an interest in a pharmacy;
4. Cost to the College in the amount of \$10,000.00.

In its reprimand, the Panel noted that the Member failed to maintain the responsibilities and obligations expected of him as a member of this profession. He breached federal and provincial laws and the standards of

practice, and he failed to fulfil his duties as a Designated Manager.

The Panel pointed out that the Member engaged in conduct which involved deceit, dishonesty, and serious moral failings. The Panel observed that he failed to live up to the standards that are expected of him by the profession, and by the public he serves.

This Panel expressed its deep concern for his flagrant disregard of the laws and regulations that govern the profession of pharmacy, and pointed out that the suspension of his certificate of registration is essential to protect the public and maintain the honour of the profession.

#### **Ahmad Abdullah (OCP #214485)**

At a hearing on April 8, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Abdullah with respect to the following incidents:

- On or about March 25, 2018, he performed blood glucose tests at a public health fair, including piercing the dermis of patients with a lancet-type device to obtain blood, without complying with the requirements established by *Ontario Regulation 202/94*. For example, he performed the act:
  - o for a diagnostic purpose;
  - o without ensuring that appropriate infection control procedures were in place; and/or
  - o without maintaining a patient record for each patient;
- On or about March 25, 2018, he delegated the act of piercing the dermis of patients with a lancet-type device to obtain blood to a person who was not a Part A pharmacist, an intern, a registered pharmacy student or a pharmacy technician, and was therefore not legally authorized to perform the act.

In particular, the Panel found that he:

- Contravened subsection 4(2) of the *Pharmacy Act*;

- Failed to maintain the standards of the profession;
- Contravened the *Pharmacy Act, 1991*, the *Regulated Health Professions Act, 1991*, and *Ontario Regulation 202/94* under the *Pharmacy Act, 1991*;
- Engaged in conduct relevant to the practice of pharmacy that, having regard to all of the circumstances, would reasonably be regarded by members of the profession as dishonourable and unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. That the Registrar be directed to impose a term, condition and limitation on the Member's certificate of registration that he successfully complete, on or before April 8, 2020, 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 this case. The following terms shall apply to the course:
  - a. The number of sessions shall be at the discretion of the consultant;
  - b. The manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
  - c. The Member shall be responsible for the cost of the course;
  - d. Successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the objectives of professional regulation and the importance to the public interest of complying with a practitioner's regulatory obligations, including the professional conduct issues raised by this case;
  - e. The essay shall be at least 1000 words in length. The Member shall be responsible for the cost of review by the consultant to assist the Registrar to determine whether the essay is acceptable, up to a maximum of \$500;

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 2 months, 1 month of which shall be remitted upon the Member successfully completing the remedial training as specified in paragraph 2 above. The suspension shall commence on April 9, 2019, and run until May 8, 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 paragraph 2 above, the remainder of the suspension shall commence on April 9, 2020, and continue until May 8, 2020, inclusive. If the time for completing the remedial steps in paragraph 2, 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 \$7,500.00.

In its reprimand, the Panel noted that the Member failed to maintain the responsibilities and obligations expected of him as a member of the profession. The Panel observed that he breached provincial laws, the standards of practice of pharmacy, and his duties as a Designated Manager. The Panel pointed out that he engaged in conduct that reflects poorly on himself and the profession, and which exposed the public and his patients to serious health risks.

This Panel expressed its expectation that he take the results of this discipline hearing as an opportunity to reflect on his conduct, learn from his mistakes, and ensure that this type of conduct will not be repeated in his future practice.

#### **Colin Peters** (OCP #607131)

At a hearing on April 9, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Peters in 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 for MedsCheck reviews that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care;
- Falsified pharmacy records in relation to claims made to the Ontario Drug

Benefit Program for MedsCheck reviews that were never conducted and/or were non-compliant with the guidelines of the Ministry of Health and Long Term Care; and/or,

- Failed to keep records as required in relation to MedsCheck claims made to the Ontario Drug Benefit Program.

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;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, or the regulations under those Acts, and in particular sections 20 and 21 of *Ontario Regulation 264/16*;
- Failed to keep records as required;
- 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.

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

The Panel imposed an Order, as follows:

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

In its reprimand, the Panel noted that Mr. Peters failed to maintain the

responsibilities and obligations expected of him as a member of the profession. He engaged in conduct which reflects poorly on himself and the profession, and failed to live up to the standards that are expected of him by the profession and the public. His actions to defraud a publically funded program are inexcusable.

The Panel noted that Mr. Peters has undertaken to permanently resign his certificate of registration, and agreed to never apply for the removal of discipline information from the public register. The Panel observed that this will serve to protect the public.

The Panel expressed its hope that this proceeding provides Mr. Peters with an opportunity to reflect and pursue a new path forward.

### **Shohreh Torabi** (OCP #204608)

At a hearing on May 2, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Torabi with respect to the following incidents:

- Between about November 1, 2011 and October 31, 2013, she submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) charges for certain identified drugs and/or products that were not dispensed;
- Between about November 1, 2011 and October 31, 2013, she created (or permitted, consented to or approved, expressly or impliedly, the creation of) false and/or misleading pharmacy records documenting the dispensing of certain identified drugs and/or products that were not dispensed;
- Between about November 1, 2011 and October 31, 2013, she failed to maintain the records required to be maintained by s. 29 of *O. Reg. 201/96*, made under the *Ontario Drug Benefit Act*, RSO 1990, c O.10, with respect to certain identified transactions;
- She falsified records relating to her practice, with respect to certain identified records and/or transactions; and
- Between about November 1, 2011 and October 31, 2013, she contravened ss. 5, 6, and/or 15(1)(b) of the *Ontario Drug Benefits Act*,

R.S.O. 1990, c. O.10, as amended, when she submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) certain identified claims for payment to the Ontario Drug Benefit Program where the executive officer was not required to make any payment or where the claim was in excess of the amount the executive officer is required to pay.

In particular, the Panel found that she:

- Failed to maintain a standard of practice of the profession;
- Failed to keep records as required with respect to her patients;
- Falsified a record relating to her practice;
- Submitted an account or charge for services that she knew was 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:
  - o ss. 5, 6, and/or 15(1)(b) of the *Ontario Drug Benefits Act*, R.S.O. 1990, c. O.10, as amended;
  - o s. 29 of *O. Reg. 201/96*, made under the *Ontario Drug Benefit Act*, RSO 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, and in particular:
  - o ss. 5, 6, and/or 15(1)(b) of the *Ontario Drug Benefits Act*, R.S.O. 1990, c. O.10;
  - o s. 29 of *O. Reg. 201/96*, made under the *Ontario Drug Benefit Act*, RSO 1990, c O.10;
- 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, as follows:

1. A reprimand;
2. That the Registrar is directed to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
  - (a) that the Member complete successfully, with an unconditional pass, at her own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics offered by the Center for Personalized Education for Professionals; and,
  - (b) that the Member shall be prohibited, for a period of three (3) years from the date of this Order, from
    - i. acting as a Designated Manager for any pharmacy;
    - 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 (excepting only that she may be permitted to own shares in a publicly traded corporation that has an interest in a pharmacy), or in any other capacity; and
    - iii. receiving any remuneration for her work as a pharmacist, 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; and,
  - (c) that for a period of three (3) years from the date of this Order:
    - 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 pharmacy employer and the date on which the Member began or is to begin employment, within fourteen (14) days of commencing such employment; and
    - ii. the Member shall provide to all pharmacy employers:

1. the Notice of Hearing in this matter;
  2. this Joint Submission on Order; and/or
  3. the Panel's reasons for decision in this matter, when available; and
- iii. the Member 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 fourteen (14) days of the Member commencing employment at the pharmacy, that the Designated Manager has received and reviewed a copy of the materials set out above in paragraph 2(c)(ii), above, before the Member commenced employment, and confirming the nature of her remuneration;
3. That the Registrar suspend the Member's Certificate of Registration for a period of fourteen (14) months, with two (2) months 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 May 2, 2019, and shall continue until May 1, 2020, inclusive. If the remitted portion of the suspension is required to be served by the Member because she fails to complete the remedial requirement specified in paragraph 2(a), that portion of the suspension shall commence on May 2, 2020, and shall continue until July 1, 2020, inclusive. 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. Costs to the College in the amount of \$10,000.00.

In its reprimand, the Panel noted that it was dismayed by the facts presented. The Panel observed that integrity and trust are paramount to the pharmacy profession, and that the public holds pharmacists in high esteem for the role they play in the provision of healthcare in Ontario.

The Panel observed that the Member's personal needs were put ahead of the trust of her patients, and that she took advantage of her position in society. Her decision to defraud the public purse was deliberate. Such conduct significantly impacts the profession and its ability to provide healthcare to the most vulnerable patients. Ultimately, the Member's actions jeopardized the

public's trust in all pharmacists. The Panel indicated that she has betrayed the people of Ontario.

As the Member desires to practice pharmacy again, the Panel expressed its expectation that she will complete restitution to society and to the membership as a whole through remediation and reflection on her actions.

### **Sameh Sadek** (OCP #610938)

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Following a hearing held on February 21, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Sadek in a decision dated May 3, 2019, with respect to the following incidents:

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

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Falsified a record relating to his practice;
- Submitted an account or charge for services that he knew was 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, he 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 he 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, as follows:

1. A reprimand;
2. Directing the Registrar to suspend the Member's certificate of registration for a period of 8 months, with 1 month of the suspension to be remitted on condition that the Member complete the remedial training specified below in paragraph 3(a); the suspension shall commence on the date that the Member obtains an active certificate of registration and shall continue for 7 months, without interruption; if the remitted portion of the suspension is required to be served, then the remitted portion of the suspension shall commence on the date that is 12 months from the date that the Member obtains an active certificate of registration, without interruption;
3. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration, effective on the date that the Member obtains an active certificate of registration, as follows:
  - a. the Member must successfully complete with an unconditional pass, at his own expense and within 12 months of the date that he obtains an active certificate of registration, 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 5 years from the date that he obtains an active certificate of registration, 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 his work as a pharmacist other than remuneration based on hourly or weekly rates only;
  - c. for a period of 2 years from the date that he obtains an active

certificate of registration, 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 his pharmacy employer(s) with a copy of the Discipline Committee Panel's decision in this matter and its Order; 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 the nature of the Member's remuneration;
4. Costs to the College in the amount of \$42,940.00.

In its reprimand, the Panel noted that, as a pharmacist, Mr. Sadek was a member of a highly respected profession within the healthcare system and 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 observed that Mr. Sadek acknowledged his responsibility, in that his pharmacy submitted unsubstantiated billings to the Ontario Drug Benefit Program for drugs that were not dispensed. As a Director, Shareholder, and Designated Manager of the pharmacy, Mr. Sadek 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 in this type of conduct, and its hope that Mr. Sadek will not appear before a panel of the Discipline Committee of the College of Pharmacists in the future.

**Ashit Shihora** (OCP #109452)

At a hearing on May 16, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Shihora in that he:

- Failed to maintain appropriate professional boundaries with Patient A;
- Practised the profession while his ability to do so was impaired or adversely affected by any substance or condition;
- Dispensed, sold, administered, gave, transported or transferred one or more of certain identified narcotic or controlled drugs that had not been prescribed;
- Trafficked (as that term is defined in the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19) one or more of certain identified narcotics and/or controlled drugs;
- Failed to ensure that a physical count and reconciliation of all narcotics, controlled drugs and targeted substances was conducted regularly at the Pharmacy and at least once every six months and ensure that the results of the inventory count were retained in the Pharmacy's records in a readily retrievable format;
- Failed to protect one or more of certain identified narcotics and controlled substances against loss or theft;
- Failed to ensure that certain identified drugs listed on destructions records were destroyed.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Dispensed or sold drugs for an improper purpose;
- Contravened the *Pharmacy Act, 1991*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, or the regulations under those Acts, and in particular, 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; sections 4 and/or 5 of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended; and section 31 and/or 43 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.

The Panel imposed an Order, which included:

1. A reprimand;
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
  - a. the Member must successfully complete with an unconditional pass, at his own expense and within twelve (12) months of the date that this Order becomes final, the ProBE Program offered by the Centre for Personalized Education for Physicians;
  - b. Within 12 months of the completion of the ProBE program, the Member must successfully complete a course with Gail E. Siskind Consulting Services, or another professional ethics consultant acceptable to the College, to be designed by the consultant, with the purpose of addressing the professional misconduct issues raised in this case; the following terms shall apply to the course:
    - i. the number of sessions shall be at the discretion of the consultant, but shall be a minimum of 3;
    - ii. the manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
    - iii. the Member shall provide to the consultant his evaluation from the

- ProBE course, and any essay he completed as part of that course, and discuss with the consultant the issues arising from that course;
- iv. the Member shall be responsible for the cost of the course;
  - v. The Member shall direct the consultant to confirm to the College once the Member has completed the course to the satisfaction of the consultant;
- c. Within 6 months of the Member's return to practice, the Member must successfully obtain, at his own expense, instruction from a practice mentor acceptable to the College regarding comprehensive reconciliation reports for narcotics and other controlled drugs, following a review by the Member of written materials to be identified by the College. The following terms apply to the mentorship:
- i. meet at least five (5) 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 comprehensive reconciliations of narcotics and other controlled drugs;
  - ii. provide the practice mentor with the following documents related to this proceeding:
    1. the Notice of Hearing;
    2. the Agreed Statement of Facts;
    3. the Joint Submission on Order; and
    4. the Panel's Decision and Reasons, if and when available;
  - iii. develop with the practice mentor a learning plan to address the areas of the Member's practice requiring remediation;
  - iv. 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;
  - v. direct the practice mentor reports the results of the mentorship program to the College;
- d. following the successful completion of the mentorship set out in paragraph 2(c), above, the Member shall provide to the College comprehensive inventory reconciliations, acceptable to the College, for all narcotics and other controlled substances in his current place of practice, with the first inventory reconciliation to be completed and submitted to the College no later than six (6) months following the successful completion of the mentorship, and each further inventory reconciliation to be performed and submitted to the College at six (6) month intervals, with each inventory reconciliation to cover the six (6) month period preceding the last inventory reconciliation
- The Member may apply to the Registrar to vary or remove this term, condition or limitation after three (3) years from the date of the first reconciliation that is provided to the College. Upon receipt of an application from the Member to vary or remove this term, condition or limitation, the Registrar may request from the Member any other information necessary for the Registrar to assess whether it is in the public interest to remove or vary the term, condition or limitation;
- e. for a period of 3 years following the Member's return to practise, the Member is prohibited from:
    - i. acting as Designated Manager of any pharmacy; and
    - ii. being a Narcotic Signer at any pharmacy;
3. Directing the Registrar to suspend the Member's Certificate for a period of eighteen (18) months. The suspension will be deemed to have commenced one year prior to the date of this Order. Six months of the suspension will be served ("Served Suspension"), starting on the date on which the interim suspension imposed by the ICRC in a decision dated March 8, 2018 is lifted. The Served Suspension will run for five (5) months without interruption. If, by the end of the five months, the Member has completed the remedial training set out in paragraphs 2(a) and 2(b), above, one month of the suspension will be remitted. Otherwise, the Member will immediately serve the remaining month of the Served Suspension;
4. Costs to the College in the amount of \$5,000.00.

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.

The Panel observed that the Member failed to maintain the responsibilities and obligations expected of him as a member of this profession. He failed to fulfil his duties as a Designated Manager, and failed to live up to the standards expected of him by the profession and the public he serves.

The Panel pointed out that this was not the Member's first appearance before a discipline panel. This Panel indicated its deep concern for the Member's disregard of the laws and regulations that govern the profession of pharmacy, and noted that the suspension of the Member's certificate of registration and the remediation requirements are essential to protect the public and maintain the honour of the profession.

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

### **Rita Jurkuvenas** (OCP #52086)

At a hearing on June 4, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Jurkuvenas, as staff pharmacist and Designated Manager at Torbram Pharmacy ("Pharmacy") in Brampton, Ontario, with respect to certain identified false or unsubstantiated claims submitted by the Pharmacy to the Ontario Drug Benefit Program totaling approximately \$190,000, in or about July 2015-June 2017.

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 whom she was professionally obligated to supervise;
- Contravened, while engaged in the practice of pharmacy, any federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections 5 and/or 6 of the *Ontario Drug Benefit Act*, R.S.O. 1990, c.O.10, as amended, and/or section 27 of *O.Reg. 201/96*, as amended (for conduct

up to and including May 4, 2017); and/or

- Contravened the *Pharmacy Act, 1991*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, the *Narcotics Safety and Awareness Act, 2010*, the *Drug Interchangeability Act* and *Dispensing Fee Act* or the *Ontario Drug Benefit Act* or the regulations under those Acts, and in particular, sections 5 and/or 6 of the *Ontario Drug Benefit Act*, R.S.O. 1990, c.O.10, as amended, and/or section 27 of *O.Reg. 201/96*, as amended (for conduct on or after May 5, 2017);
- 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, 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, within twelve (12) months of the date of this Order:
    - i. the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass; and
    - ii. the College's Jurisprudence seminar and exam;
  - b. the Member shall be prohibited, for a period of five (5) years from the date of this Order from:
    - i. acting as the Designated Manager of any pharmacy;
    - 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 (excepting only that she may be permitted to own shares in a publicly traded corporation that has an interest in a pharmacy), or in any other capacity; and
    - iii. receiving any remuneration for her 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;

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 sub-paragraph 2(d)(ii) above;

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of six (6) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training programs as specified in sub-paragraph 2(a)(i) and (ii) above. The suspension shall commence on June 5, 2019 and continue without interruption until November 4, 2019. If the remitted portion of the suspension has to be served because the Member fails to complete the remedial training programs as specified in sub-paragraph 2(a)(i) and/or (ii) above, the further suspension shall commence on June 5, 2020 and continue without interruption until July 4, 2020, unless the time for completing the remedial steps in sub-paragraph 2(a)(i) and/or (ii) 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 \$6,500.00.

In its reprimand, the Panel reminded the Member that, as part of the honourable profession of pharmacy, she should understand that integrity and trust are paramount.

The Panel expressed its disappointment with the Member's failure to maintain the Standards of Practice of the profession. The Panel recognized her admissions and cooperation throughout the discipline process.

The Panel noted that the role of Designated Manager is one of serious responsibility, including the obligation to ensure the entire operation of the pharmacy is overseen in accordance with the College's Standards of Practice.

The Panel relayed its expectation that the Member has learned from this experience and will not appear before a Panel of the Discipline Committee again.

#### **Yale Pan (OCP #201472)**

At a hearing on June 21, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Pan in that he:

- Dispensed the following prescription medications knowing that no valid authorization existed:
  - o Lotensin 5 mg, December 31, 2013 (Patient A);
  - o Temazepam 30 mg, May 17, 2014 (Patient B);
  - o Mestinon 60 mg, December 22, 2014 (Patient B);
  - o Temazepam 30 mg, December 22, 2014 (Patient B);
- Brought pharmacy documents containing patient information home with him and failed to adequately protect patient confidentiality in respect of that information.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- 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, section 155 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4, as amended;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
  - a. that the Member successfully complete, at his own expense, within 12 months of this Order, the ProBE course on Professional, Problem-Based Ethics;
3. Directing the Registrar to suspend the Member's Certificate for a period of one month, with the entirety of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2(a). If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial training as specified in paragraph 2(a), that portion of the suspension shall commence on June 22, 2020, and shall continue until July 21, 2020, inclusive, unless the time for completing the remedial training in paragraph 2(a), above is extended by the Registrar, in which case, 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 \$7,500.00.

In its reprimand, the Panel observed that the Member failed in his obligations to adhere to the standards of practice with respect to dispensing without proper authorization. The Panel additionally observed that the Member failed

to protect patient confidentiality by bringing pharmacy documents home.

The Panel noted that this conduct may cause the public to mistrust and lose confidence in the profession. The Panel remarked that the Member breached the public trust and in doing so, let down the practice of pharmacy. The Panel remarked that pharmacists are expected to practice to a very high standard, with no exception.

The Panel expressed its hope that the Member has learned from this experience and will never again appear before a panel of the Discipline Committee.

### Diep Nguyen (OCP #98949)

At a hearing on July 11, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Nguyen with respect to the following incidents:

- Between at least May 2017 and August 2017, he failed to maintain records sufficient to determine which employees worked at the Pharmacy on which dates;
- On or about July 22, 2017:
  - o he permitted, consented to or approved, either expressly or by implication, the operation of the Pharmacy without a pharmacist present; and/or
  - o he permitted, consented to or approved, either expressly or by implication, the sale by a pharmacy assistant of a Schedule II drug; and/or
- In at least July 2017, he failed to ensure that the Pharmacy had sufficient policies and/or protocols in place to prevent:
  - o the operation of the Pharmacy without a pharmacist present; and/or
  - o the sale of scheduled drugs by a pharmacy assistant, other than as authorized by the *Drug and Pharmacies Regulation Act*.

In particular, the Panel found that he:

- Failed to maintain the standards of the profession;
- Contravened the *Drug and Pharmacies Regulation Act*;
- Engaged in conduct relevant to the practice of pharmacy that, having regard to all of the circumstances, would reasonably be regarded by members of the profession as unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. That the Registrar be directed to impose the following terms, conditions and limitations on the Member's certificate of registration:
  - a. that he successfully complete, within 12 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 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 be responsible for the cost of the course;
    - iv. Successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the objectives of professional regulation and the importance to the public interest of complying with a practitioner's regulatory obligations, including the professional conduct issues raised by this case;
    - v. The essay shall be at least 1000 words in length. The Member shall be responsible for the cost of review by the consultant to assist

the Registrar to determine whether the essay is acceptable, up to a maximum of \$500;

- b. that the Member shall be prohibited from acting as a Designated Manager in any pharmacy, from the date of this Order until he has completed the remedial training specified in subparagraph 2.a., as confirmed by the consultant;
- c. for a period of two (2) years commencing on the date of this Order:
  - 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. the Member 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.c.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 2 months, 1 month of which shall be remitted upon the Member successfully completing the remedial training as specified in paragraph 2a. above. The suspension shall commence on July 12, 2019, and run until August 11, 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 paragraph 2a. above, the remainder of the suspension shall commence on July 12, 2020, and continue until August 11, 2020, inclusive. If the time for completing the remedial steps in paragraph 2a., 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 \$7,500.00.

In its reprimand, the Panel noted that the field of health care is an extremely

important one. The Panel pointed out that all health care professionals are expected to conduct themselves in a manner that maintains public confidence.

The Panel related that members of the public and patients hold the pharmacy profession in high regard and, as such, it is expected that pharmacists conduct themselves with the highest degree of professionalism and respect to the public.

The Panel expressed its disappointment that the Member put the public at risk by having his pharmacy open without a licensed pharmacist present, allowing an unregulated pharmacy assistant to provide Schedule II drugs and counselling to a patient. The Panel observed that, as a designated manager, he failed to maintain accurate records.

The Panel noted that it is a privilege, not a right, to practice pharmacy. The Panel expressed its expectation that the Member will learn from this process, improve his practice, work hard to regain the public trust, and never appear before the Discipline Committee again.

### **Kimberly MacPhee (OCP #206688)**

At a hearing on August 7, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Ms. MacPhee in that she:

- Operated a pharmacy without accreditation from at least May 12, 2017 to May 29, 2017, including compounding and dispensing medications, contrary to sections 139 and 147 of the *Drug and Pharmacies Regulation Act*;
- Dispensed medications using labels for Cornerstone Pharmacy or with no indication of the originating pharmacy after May 12, 2017, including those for certain identified medications;
- While acting as Designated Manager of Grimsby Pharmacy, failed to create and keep required records in relation to purchasing ketamine for Grimsby Pharmacy on or around May 24, 2017, contrary to section 30 of the *Narcotic Control Regulations* made under the *Controlled Drugs and Substances Act*; and
- Failed to submit to the registrar within 30 days of closing Cornerstone Pharmacy a Pharmacy Closing Statement setting out the information

required in by-law 12.4.1 of By-Law 4 of the Ontario College of Pharmacists, contrary to section 141 of the *Drug and Pharmacies Regulation Act*.

In particular, the Panel found that she:

- Failed to maintain a standard of practice of the profession;
- Contravened the Drug and Pharmacies Regulation Act, or the regulations under that Act;
- Falsified a record relating to her practice or a person's health record;
- Signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement;
- Contravened a federal, provincial or territorial law or municipal by-law,
  - o with respect to the distribution, purchase, sale, or dispensing or prescribing of any drug or product, the administering of any substance, or the piercing of the dermis,
  - o whose purpose is to protect or promote public health, or
  - o that is otherwise relevant to the her suitability to practise; and
- Engaged in conduct or performed acts that, having regard to all the circumstances, would reasonably be regarded by members of the profession as unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. That the Registrar be directed to impose a condition on the Member's certificate of registration that she successfully complete, within 12 months of the date of the order, a course with Gail E. Siskind Consulting Services, or another professional ethics consultant chosen by the College, to be designed by the consultant, with the purpose of addressing the professional misconduct issues raised in this case. The following terms shall apply to the course:



- a) The number of sessions shall be at the discretion of the consultant;
- b) The manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
- c) The Member shall be responsible for the cost of the course;
- d) Successful completion of the course will include completion of an essay, which shall be at least 1000 words in length, acceptable to the Registrar, addressing the objectives of professional regulation and the importance of the public interest when meeting professional obligations; and
- e) The Member shall be responsible for the cost of review of the essay by the consultant, to assist the Registrar to determine whether the essay is acceptable, up to a maximum of \$500;

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, above. The suspension shall commence on August 27, 2019, and shall continue until September 26, 2019, inclusive. If the remitted portion of the suspension is required to be served by the Member because she fails to complete the remedial requirement specified in paragraph 2, above, that portion of the suspension shall commence on August 8, 2020, and shall continue until September 7, 2020, inclusive. If the time for completing the remedial steps in paragraph 2, above, is extended by the Registrar, the date on which the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly; and

4. The Member shall pay costs to the College in the amount of \$5,000.

In its reprimand, the Panel noted that they were disappointed by the events that brought the Member before them. Integrity and trust are paramount to the profession in providing care to the public.

The result of her professional misconduct is that she has eroded the public trust in the profession and cast a shadow over her own integrity. The Panel

indicated its hope that this hearing has given her the opportunity to pause for reflection, and that the remedial components will allow her to improve her practice to the professional standards expected of a pharmacist in Ontario.

The Member's actions demonstrated poor judgment and a disregard for the regulatory framework in Ontario. She may have exposed patients to unnecessary risks by engaging in the practice of the profession outside an accredited pharmacy.

Moving forward, the Panel expressed that they trust that she will use this opportunity to remediate and that she will not be present again before a Panel of the Discipline Committee.

#### **Ashley Asselstine (OCP #618495)**

After a hearing on September 4, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Ms. Asselstine, in that she:

- Misappropriated from the Pharmacy certain identified narcotics that had not been prescribed for her, in or about August to September, 2016;
- Did not properly document delivery of certain identified narcotics and failed to enter the narcotics into the Pharmacy's count, in or about August to September, 2016.

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;
- 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, 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, 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 disgraceful, dishonourable, and unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
  - a. that the Member complete successfully with an unconditional pass, at her own expense, and within twelve (12) months of the date on which she obtains and active certificate of registration, the ProBE Program on Professional / Problem Based Ethics offered by the Centre for Personal Education for Physicians;
  - b. for a period of 3 years from the date on which she obtains an active certificate of registration, the Member shall not be involved in the ordering or dispensing (i.e. filling, check or providing to patients) any narcotic or controlled substance, unless such activity is directly supervised by a pharmacist or pharmacy technician approved by the College;
  - c. for a period of 3 years from the date on which she obtains an active certificate of registration, the Member shall provide any pharmacy employer with a copy of
    - i. the Agreed Statement of Facts and this Joint Submissions on Order; or
    - ii. the Discipline Committee Panel's decision in this matter and its Order, when available;
  - d. for a period of 3 years from the date on which she obtains an active certificate of registration, the Member shall only work for an employer who confirms to the College in writing that:

- i. That the Member shall not be involved in the ordering or dispensing (i.e. filling, checking or providing to patients) any narcotic or controlled substance, unless such activity is directly supervised by a pharmacist or pharmacy technician approved by the College, as described in paragraph 2(b), above; and

- ii. That the employer has been provided with a copy of the documents described in paragraph 2(c), above; and

- e. The Member shall not apply to the College to obtain an active certificate of registration without first providing a copy of an independent medical examination, completed within 3 months of the date of her application, which indicates to the satisfaction of the Registrar that she is capable of engaging in the practice of a pharmacy technician, with or without conditions, other than those set out above.

3. That the Registrar suspend the Member's Certificate of Registration for a period of ten (10) months, with one (1) month of the suspension to be remitted on condition that the Member completes the remedial training as specified in paragraph 2(a), above. The suspension shall commence on the date on which the Member obtains an active certificate of registration, and shall continue for nine (9) months, without interruption. If the remitted portion of the suspension is required to be served by the Member because she fails to complete the remedial requirement specified in paragraph 2(a), that portion of the suspension shall commence on the date that is twelve (12) months from the date that the Member obtains an active certificate of registration, and shall continue for one (1) month, inclusive. 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.

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 Pharmacists and Pharmacy Technicians bear the responsibility to ensure that they maintain the trust of the 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 expressed its expectation that the Member take the results of the discipline hearing as an opportunity to reflect on her conduct, learn from her mistakes, and to ensure that this type of behavior not to be repeated in her future practice.

### **Mounir Atia** (OCP #202892)

At a hearing on September 6, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Atia with respect to the following incidents, which occurred between about January 1, 2018 and June 6, 2018, in that he:

- Failed to include the date on which the prescription was dispensed on the container in which the drug was dispensed with respect to certain identified prescriptions;
- Failed to include the complete name including the formulation of the drug being dispensed on the container in which the drug was dispensed with respect to certain identified prescriptions;
- Maintained an incorrect record in the Pharmacy's records of the name of the drug dispensed with respect to certain identified prescriptions;
- Failed to include a suitable description of the colour, shape and size of the product being dispensed in a compliance aid with respect to certain identified prescriptions;
- Billed for the weekly dispensing of medication in compliance aids to patients when he in fact dispensed in longer intervals to those patients, and thereby maintaining inaccurate records of the dates on which drugs and/or products were dispensed, with respect to certain identified patients;
- Billed for MedsCheck medication review services without having completed the services and/or without having adequately completed the required documentation and/or without having completed the necessary steps all required by the MedsCheck program and/or pharmacy regulations, with respect to certain identified MedsCheck claims;
- Failed to take appropriate steps to correct deficiencies in his dispensing of

compliance aids after having been cautioned by the Inquiries, Complaints and Reports Committee of the Ontario College of Pharmacists on May 9, 2016 with respect to those deficiencies.

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 or practice;
- Submitted an account or charge for services or products that he knew or ought to have known was false or misleading;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, the *Narcotics Safety and Awareness Act, 2010*, the *Drug Interchangeability and Dispensing Fee Act* or the *Ontario Drug Benefit Act* or the regulations under those Acts:
  - o s. 156(3)(f) of the *Drug and Pharmacies Regulation Act*, RSO 1990, c. H.4;
  - o s. 156(3)(c) of the *Drug and Pharmacies Regulation Act*, RSO 1990, c. H.4;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as unprofessional.

The Panel imposed an Order, 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, within twelve (12) months from the date this Order becomes final, 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 his own expense, a practice mentor acceptable to the College within three (3) months of the date of this Order. The Member is entitled to provide to the College up to two (2) names of proposed practice mentors within three (3) weeks of this Order. The College will review the Member's suggested mentors within three (3) weeks of receiving their names and may either accept them or reject each of them, though approval will not be unreasonably withheld and the College will give good faith consideration to the Member's proposed mentors. If the Member's two (2) proposed mentors are rejected, the Member shall be entitled to provide the College up to two (2) additional names of proposed practice mentors within two (2) weeks of the College communicating its rejection to the Member, to be reviewed and considered by the College on the same terms as the first two (2) names. In the event that none of the Member's proposed mentors are acceptable to the College, the College will appoint a mentor;
- ii. the Member shall meet at least three (3) times with the practice mentor, and more times if the mentor determines that further meetings are necessary, 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 up to twelve (12) months from the date of this Order, or until such time as the mentor confirms that such meetings are no longer necessary;
- iii. the Member shall provide the practice mentor with the following documents related to this proceeding:
  1. the Notice of Hearing;
  2. the Agreed Statement of Facts;

3. the Joint Submission on Order; and/or

4. 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 thirteen (13) months from the date of this Order;
- b. that the Member shall complete successfully, at his own expense and within thirteen (13) months from the date this Order becomes final the following course from the Institute for Safe Medication Practices Canada: Medication Safety Considerations for Compliance Packaging;
  - c. that the Member shall be prohibited from acting as a Designated Manager in any pharmacy until such time as he has successfully completed the requirements of the terms, conditions and limitations set out above in paragraphs 2(a) and 2(b);
  - d. that in the event the Member acts as a Designated Manager in any pharmacy thereafter, he shall, within eighteen (18) months of the date of his beginning to act as a Designated Manager, complete successfully at his own expense, the following course from the Institute of Safe Medication Practices Canada: Medication System Safety Review for a Community Pharmacist On-Site Assessment;
3. That the Registrar suspend the Member's Certificate of Registration for a period of four (4) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training as specified in subparagraphs 2(a) and (b). The suspension shall commence on September 6, 2019, and shall continue until December 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 requirement specified in subparagraphs 2(a) and/or (b), that portion of the suspension shall commence on October 7, 2020, and shall continue until November 6, 2020, inclusive. If the time for completing the remedial steps in subparagraph 2(a) and/or (b) 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 \$7,500.00.

In its reprimand, the Panel noted that pharmacy is a self-regulated profession, in which pharmacists bear the responsibility to ensure that the trust of the profession and the public is maintained. The practice of pharmacy is a privilege that carries significant obligations to the public, the profession, and to oneself.

The Panel expressed its concern regarding the number of times the Member's practice has come to the attention of the College. The Panel noted that he failed in his responsibilities as a pharmacist and Designated Manager, and failed to have proper policies and procedures in place with regard to compliance packaging, medication reviews, and documentation practices. His failures put the public at grave risk.

The Panel expressed its hope that this disciplinary process will cause the Member to reflect on his practice and will motivate him to make positive changes, and its expectation that he will not appear again before a panel of the Discipline Committee.

### **Luigi Di Pierdomenico** (OCP #604718)

At a hearing on September 24, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Di Pierdomenico in that he:

- Was found guilty, on or about March 21, 2018, of criminal mischief over \$5,000, which is an offence contrary to section 430(3) of the *Criminal Code of Canada*;
- Engaged in mischief, on or about November 30, 2015, by damaging and vandalizing property, including electrical wiring, plumbing and household property, the value of which exceeded \$5,000.

In particular, the Panel found that he:

- Was found guilty of an offence that is relevant to his suitability to practice;
- 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, 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 his own expense, within 12 months of this Order, the ProBE course on Professional, Problem-Based Ethics; and
  - b. that the Member shall continue to obtain treatment and monitoring from Dr. [Name], or a successor psychiatrist approved by the College, relating to his mental health disorder, attending at the psychiatrist's office at such frequency as the psychiatrist considers necessary but not less than once every three months when the Member is engaged in pharmacy. The Member shall continue to obtain treatment and monitoring from the psychiatrist until such time as the psychiatrist provides a written opinion to the College that it is his opinion that treatment and monitoring by him is no longer required, and the basis for that opinion;
3. That the Registrar suspend the Member's Certificate of Registration for a period of one month, with the one month of the suspension to be remitted on condition that the Member completes the remedial training as specified in paragraph 2(a) above. If the remitted suspension is required to be served by the Member because he fails to complete the remedial requirement specified in paragraph 2(a), the remitted suspension shall commence a date that is twelve (12) months from the date this Order becomes final and shall continue for one (1) month uninterrupted. If the time for completing the remedial step in paragraph

2(a) above is extended by the Registrar, the date on which the remitted suspension commences, if required, shall be adjusted accordingly;

4. 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. 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 even though the conduct in question is not directly related to the Member's work as a pharmacist, it does reflect badly on him as a pharmacist, and the profession as a whole. The Panel pointed out that the Member failed to maintain the responsibilities and obligations expected of him as a member of this profession.

The Panel explained that all health care professionals are expected to conduct themselves in a manner that maintains public confidence. The Panel expressed its expectation that the Member will not appear again before a panel of the Discipline Committee of the Ontario College of Pharmacists.

### **Stephen Shier** (OCP #79936)

At a hearing on September 26, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Shier with respect in that:

- He failed to report to the College in a timely manner that on or about February 25, 2016 he was charged with counselling an indictable offence which was not committed, contrary to section 464(a) of the *Criminal Code*, and conspiracy to commit murder, contrary to section 465(1)(a) of the *Criminal Code*;
- On or about March 9, 2017, in written and/or electronic material he submitted to the College during the renewal of his certificate of registration he indicated that he was not the subject of a criminal proceedings, at a time he was charged with offences under the *Criminal Code*;
- He was found guilty of counselling an indictable offence which was not committed, contrary to section 464(a) of the *Criminal Code*.

In particular the Panel found that he:

- Breached a term, condition or limitation imposed on his certificate of registration, as set out in section 5 paragraph 1(ii) of *Ontario Regulations 202/94*;
- Signed or issued, in his professional capacity, a document he knew contained a false or misleading statement;
- Was found guilty of an offence that is relevant to his suitability to practice;
- 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, as follows:

1. A reprimand;
2. That the Registrar be directed to revoke Mr. Shier's certificate of registration; and
3. Costs to the College in the amount of \$1,500.00.

In its reprimand, the Panel noted that Mr. Shier's behaviour was shameful and inexcusable, and that the seriousness of his conduct is without a doubt egregious.

The Panel indicated that Mr. Shier has brought discredit to the profession of pharmacy and that he does not deserve to remain a member of the profession. While the Panel acknowledged his expression of remorse and full cooperation with the College, it was of the view that his conduct required the most serious of penalties.

### John-Paul Federico (OCP #218925)

After a hearing held on May 3 and 4, 2017, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Federico in a decision dated August 28, 2018, in that:

- Between April 23, 2015 and April 25, 2015, he harassed [Name], an employee of the Pharmacy, who was also a patient for at least a portion of this time.

In particular, the Panel found that he:

- 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 dishonourable and unprofessional.

Following the decision dated August 28, 2018, and after further submissions heard on March 8, 2019, the Panel issued an Order on June 4, 2019, as follows:

1. A reprimand;
2. That the Registrar be directed to impose the following terms, conditions and limitation on the Member's Certificate of Registration:
  - a. that the Member successfully complete, within twelve (12) months of the date that this Order becomes final, a course with Gail E. Siskind Consulting Services, or another professional ethics consultant acceptable to the College, to be designed by the consultant, with the purpose of addressing the professional misconduct issues raised in this case; the following terms shall apply to the course:
    - i. the number of sessions shall be at the discretion of the consultant;
    - 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. Successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the objectives of professional regulation and the importance to the public interest of maintaining professional conduct towards colleagues;
  - iv. The essay shall be at least 1000 words in length. The Member shall be responsible for the cost of review by the consultant to assist the Registrar to determine whether the essay is acceptable, up to a maximum of \$500;
  - v. the Member shall be responsible for the cost of the course;
  - vi. 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 twelve (12) months of the date that this Order becomes final;
- b. The Member is required to comply with the following treatment plan for twelve (12) months from the date that this Order becomes final:
    - i. remain under the care of physician Dr. [A] (or her designate approved in writing by the College);
    - ii. attend for a follow-up visit with Dr. [A] or her designate at least once every six months or more frequently if so directed by Dr. [A] or her designate;
    - iii. comply with all treatment recommendations of Dr. [A] or her designate;
  - c. The Member is to provide a written authorization and direction to Dr. [A] or her designate to:
    - i. immediately advise the College if the member is not compliant with any portion of his treatment program;
    - ii. provide a written report to the College 12 months after this order becomes final, reporting on the Member's mental health and compliance with his treatment program;

- iii. The Member is to provide written authorizations to the College and Dr. [A] or her designate that authorize Dr. [A] or her designate to speak with the College about all aspects of the Member's health and treatment program;
- d. for a period of twelve 12 months commencing on the date that this Order becomes final:
  - 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 dated August 28, 2018, as well as this Order or the panel's decision and reasons with respect to Order (when available) before he commenced employment;
  - iii. the terms in clauses d(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 3 months, 1 month of which shall be remitted upon the Member successfully completing the remedial training as specified in subparagraph 3 above. The suspension shall commence on the date that this Order becomes final and shall run for two (2) months without interruption. 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 3 above, the remainder of the suspension shall commence on the date that is twelve (12) months from the date that this Order becomes final, and shall run for one (1) month without interruption. If the time for completing the remedial steps in subparagraph 3, 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 \$3,000.00.

In its reprimand, the Panel noted that pharmacists are held in a high regard by the public and fellow colleagues. The Member has a moral obligation to conduct himself in a manner that is professional and maintains public confidence. His conduct with his colleague and patient, who was in a vulnerable position, was reprehensible and breached professional boundaries.

The Panel pointed out that members of the profession are expected to demonstrate personal and professional integrity and to maintain professional boundaries at all times. These boundaries are based on trust, respect, and the understanding that an inherent imbalance of power exists between health professionals and their patients.

The Panel expressed its hope the ethics course ordered will serve as an opportunity for remediation and that it will provide the Member with insight into personal and professional boundaries. The Panel expressed its expectation that the Member will not appear before a panel of the Discipline Committee of the Ontario College of Pharmacists again.

#### **Charles Rak** (OCP #212504)

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Following a hearing held on May 29 to June 2, 2017, and October 23 to 25, 2017 a Panel of the Discipline Committee made findings of professional misconduct against Mr. Rak, in a decision dated November 12, 2018, with respect to the following incidents:

- That he breached an Order of the Discipline Committee dated June 18, 2014 by contravening a term, condition or limitation imposed on his certificate of registration pursuant to that Order.

In particular, the Panel found that he:

- Contravened a term, condition or limitation imposed on his certificate of registration; and
- Engaged in conduct or performed an act or acts relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable and unprofessional.

Following a finding in a decision dated November 12, 2018, and after



submissions regarding the order to be made, which were heard on June 10 and 11, 2019, the Panel imposed the following Order in a decision dated November 29, 2019:

1. A reprimand;

2. That the Registrar impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:

i. That for a period of five (5) years from the date of this Order, the Member:

a) is prohibited from practising pharmacy in a location that is accessible by members of the public. The Member is prohibited from interacting, consulting, advising, or counselling any patient and/or their agent during his pharmacy practise. The Member is not to have any contact or communication (verbal or nonverbal) with any patient and/or their agent to whom the Pharmacy provides services. The Member is not to have any contact or communication (verbal or nonverbal) with anyone that uses the pharmacy services. The Member shall report immediately to the College, any change in pharmacy operation, which permits public access to the Pharmacy;

b) shall 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;

c) is to have workplace supervisor that will be registered with the College. The supervisor shall provide a report to the College every 3 months, to indicate that the Member is not contravening condition 2(a) in this Order, in that the Member's pharmacy practice does not involve any interaction, consultation, advising, or counselling of any patient and/or their agent. Further, the pharmacy is not accessed by members of the public. Any contravention of the 2(a) condition, or change in pharmacy operation that permits public access to the Pharmacy shall be reported immediately to the College by the registered supervisor;

d) shall be required to notify the College in writing of any employment in any pharmacy setting under the jurisdiction of the College. The Member shall report any changes to the workplace information

within seven (7) days;

e) is prohibited from acting a designated manager or having any proprietary interest in a pharmacy and from acting as a director of a corporation that owns a pharmacy;

f) continues to participate in weekly group sessions at the [...] Clinic or any other treatment, therapy or counselling recommended by Dr. [Name] or Dr. [Name]'s designate;

g) shall not apply for a variation or a removal of these conditions, terms or limitation from his Certificate of Registration or from the College's register for a period of five (5) years;

ii. That the Member complete 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, governability and compliance with Orders arising in the Member's case:

a) the Member shall provide to the consultant, in advance of the course, a copy of the Panel's Reasons for Decision of this proceeding;

b) the number of sessions shall be at the discretion of the consultant, but shall be at least 3 (three) meetings;

c) the manner of attendance at the session(s) shall ultimately be at the discretion of the consultant;

d) 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 12 months of the date of this Order;

3. That the Registrar suspend the Member's Certificate of Registration for a period of 12 months. The suspension shall commence on the date that this Order becomes final;

4. Costs to the College in the amount of \$200,000.00.

The reprimand in this matter remains outstanding.

This matter is currently under appeal.

### **John Hopkins** (OCP #24368)

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At a hearing on October 1, 2019, a Panel of the Discipline Committee made findings of professional misconduct against John Hopkins in that he:

- Failed to complete by February 13, 2018 the specified continuing education or remediation program ordered by a panel of the Inquiries, Complaints and Reports Committee on or about February 13, 2017.

In particular the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Failed to comply with an order of a Committee or a panel of a Committee of the College; and
- 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.

Following a further day of hearing on October 2, 2019, the Panel imposed an Order, as follows:

1. A reprimand;
2. Directing the Registrar to revoke the Certificate of Registration issued to John Hopkins; and
3. Costs to the College in the amount of \$28,667.32.

In its reprimand, the Panel noted that Dr. Hopkins was a member of the honourable profession of pharmacy, and that integrity, trust, and professional conduct are the core elements of the practice of pharmacy. Membership in the profession of pharmacy is a privilege that carries with it significant obligations to the public, the profession, and oneself.

The Panel pointed out that pharmacy is a self-regulated profession and as such it bears the responsibility to ensure that it maintains the trust of its members and the public it serves.

The Panel expressed its view that Dr. Hopkins conduct showed persistent disregard for the authority of the College and called into question the ability of the College to regulate its members. The Panel observed that his outright refusal to respect the authority of the regulator left this Panel with no option other than revocation of his Certificate of Registration, which is the most severe order available to the Panel.

The Panel voiced its opinion that Dr. Hopkins is unsuitable for membership in the profession of pharmacy.

### **Jason Newman** (OCP #214873)

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At a hearing on November 1, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Jason Newman with respect to the following:

- He dispensed naloxone kits or caused naloxone kits to be dispensed to patients without regard to individual need and/or clinical appropriateness;
- He improperly directed or permitted non-pharmacist employees or agents to dispense naloxone kits to patients in the community; and
- He failed to carry out or abide by an undertaking given to the College on February 21, 2018 in which he undertook to immediately cease the dispensing and/or sale of naloxone or facilitating the dispensing and/or sale of naloxone to persons except in accordance with the College's guidance document, "Dispensing or Selling Naloxone," and to ensure that appropriate assessment and training are provided by a pharmacist to persons dispensed and/or sold naloxone.

In particular, the Panel found that the Member:

- Failed to maintain a standard of practice of the profession;
- Failed to provide an appropriate level of supervision to a person or persons whom he was professionally obligated to supervise: namely,

employees or agents of the Delaware Pharmacy dispensing naloxone kits in the community;

- Failed to carry out or abide by an undertaking given to the College; and
- 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, 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: that the Member must successfully complete, at his own expense, the ProBE course on Professional, Problem-Based Ethics, with an unconditional pass, within 12 months of the date of this Order;
3. That the Registrar is directed to 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. The suspension shall commence on November 1, 2019 and shall continue until November 30, 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 as specified in paragraph 2, that portion of the suspension shall commence on December 1, 2020, and shall continue until December 31, 2020, inclusive, unless the time for completing the remedial training in paragraph 2, above is extended by the Registrar, in which case, 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 \$7,500.

In its reprimand, the Panel noted that integrity and trust are paramount to the profession of pharmacy, as pharmacists are held in high regard for their role in the provision of healthcare in Ontario. The Panel observed that Member's conduct tarnished the reputation of the profession.

The Panel pointed out that when the Member breached the terms of the

undertaking, he demonstrated a disregard for the College's responsibility to govern its members in the public's best interest. The Panel noted that practicing outside of regulations, no matter the reason, undermines the ability of the profession to self-regulate and jeopardizes public trust in the profession.

The Panel observed that the Ontario Naloxone Program is an important harm reduction strategy for those at risk of an opioid overdose. The Panel expressed its view that the Member's conduct minimised the important role that pharmacists play in addressing the opioid epidemic.

The Panel noted that this was the Member's first appearance before a Panel of the Discipline Committee, and expressed its trust that this will be his last.

### **Xiao Ning (Sean) Xu** (OCP #609448)

At a hearing on November 4, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Xiao Ning (Sean) Xu with respect to the following incidents:

- Between about January 1, 2015 and November 30, 2016, he submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) charges for drugs and/or products that were not dispensed, with respect to certain identified drugs and/or products;
- Between about January 1, 2015 and November 30, 2016, he created (or permitted, consented to or approved, expressly or impliedly, the creation of) false and/or misleading pharmacy records documenting the dispensing of drugs and/or products that were not dispensed, with respect to certain identified drugs and/or products;
- Between about January 1, 2015 and November 30, 2016, he failed to take reasonable steps to ensure that he and/or the Pharmacy complied with all legal requirements, including (without limitation) legal requirements relating to record keeping, documentation, and billing the Ontario Drug Benefit Program, with respect to certain identified transactions;
- Between about January 1, 2015 and November 30, 2016, he sold by retail (or permitted, consented to or approved, expressly or impliedly,

the sale by retail of) prescription drugs and/or products without valid prescriptions, with respect to certain identified transactions;

- Between about January 1, 2015 and November 30, 2016, he failed to maintain the records required to be maintained by s. 29 of *O. Reg. 201/96*, made under the *Ontario Drug Benefit Act*, RSO 1990, c O.10, with respect to certain identified transactions;
- Between about January 1, 2015 and November 30, 2016, he submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) erroneous, invalid, and/or otherwise improper charges to the Ontario Drug Benefit Program for MedsChecks, with respect to certain identified charges.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Failed to keep records as required;
- Falsified a record relating to his practice;
- Signed or issued in his professional capacity a document that he knew contained a false or misleading statement;
- Submitted an account or charge for services that he knew was false or misleading;
- Contravened the *Pharmacy Act, 1991*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991* or the regulations under those Acts, and in particular:
  - o s. 155 of the *Drug and Pharmacies Regulation 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:
  - o ss. 5, 6, and/or 15(1)(b) of the *Ontario Drug Benefits Act*, R.S.O. 1990, c. O.10, as amended, and/or s. 29 of *Ontario Regulation 201/96* made thereunder;

o s. C.01.041 of the *Food and Drug Regulations*, CRC, c 870, made under the *Food and Drugs Act*, RSC 1985, c F-27;

- 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 he was a director, and in particular:
  - o ss. 5, 6, and/or 15(1)(b) of the *Ontario Drug Benefits Act*, R.S.O. 1990, c. O.10, as amended;
  - o s. C.01.041 of the *Food and Drug Regulations*, CRC, c 870, made under the *Food and Drugs Act*, RSC 1985, c F-27, and/or;
  - o s. 155 of the *Drug and Pharmacies Regulation Act*;
- 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, 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 twelve (12) months of the date of this Order, the Professional/Problem Based Ethics offered by the Center for Personalized Education for Professionals; and,
  - (b) that for a period of three years from the date of this Order, the Member shall be prohibited from
    - i. having any proprietary interest in a pharmacy as a sole proprietor or partner, or director or shareholder in a corporation that owns a pharmacy (excepting only that he may be permitted to own shares in a publicly traded corporation that has an interest in a pharmacy), or in any other capacity;

- ii. 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; and
  - iii. acting as a Designated Manager in any pharmacy; and
- (c) that for a period of three years from the date of this Order, the Member shall
- i. notify the College in writing of any employment in a pharmacy, which notification shall include the name and address of the employer and the date on which the Member began or is to begin employment, within fourteen (14) days of commencing such employment;
  - ii. provide to any pharmacy employer a copy of:
    1. the Notice of Hearing and the Order in this matter; or
    2. the panel's Reasons for Decision in this matter, when available;
  - iii. only work for an employer in a pharmacy who provides confirmation in writing from the Designated Manager of the pharmacy to the College, within fourteen (14) days of the Member commencing employment at the pharmacy, that the Designated Manager received and reviewed a copy of the documents described in paragraph 2(c)(ii) before the Member commenced employment, and confirming the nature of the Member's remuneration;
3. That the Registrar suspend the Member's Certificate of Registration for a period of thirteen (13) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training as specified in subparagraph 2(a). The suspension shall commence on November 4, 2019, and shall continue until November 3, 2020, 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 subparagraph 2(a), that portion of the suspension shall commence on November 4, 2020, and shall continue until December 4, 2020, 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 \$10,000.

In its reprimand, the Panel noted that integrity and trust are paramount to the profession of pharmacy, and that the profession is held in high regard for the role pharmacists play in the provision of healthcare in Ontario.

This Panel expressed its extreme disappointment with the Member's failure to maintain the high standards of practice expected of the profession. The Panel observed that he violated the trust that the public holds in this profession.

The Panel indicated its hope that the Member does not appear again before the Discipline Committee.

#### **Adewale Aderinto** (OCP #606964)

At a hearing on November 25, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Adewale Aderinto, as staff pharmacist and Designated Manager of the Erie Health and Wellness Pharmacy in Windsor, Ontario, and as sole director and shareholder of the corporation that owns and operates the Pharmacy, with respect to conduct in or about July-November 2018, in that he:

- Billed routinely for excessive dispensing fees at weekly intervals for blister pack medications actually dispensed at bi-weekly or monthly intervals, including dispensing fees charged for the medications dispensed to certain identified patients; and/or
- Created false and/or misleading records routinely indicating blister pack medications were being dispensed at weekly intervals when the medications were actually being dispensed at bi-weekly or monthly intervals, including records for the medications dispensed to certain identified patients.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Falsified a record relating to his practice or a person's health record;
- Signed or issued, in his professional capacity, a document that he knew or

ought to have known contained a false or misleading statement;

- Submitted an account or charge for services or products that he knew or ought to have known was false or misleading;
- Charged a fee or amount that was excessive in relation to the service or product provided;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulations Act*, the *Regulated Health Professions Act, 1991*, the *Narcotic Safety and Awareness Act 2010*, the *Drug Interchangeability and Dispensing Fee Act* or the *Ontario Drug Benefit Act* or the regulations under those Acts, and in particular, sections 4, 4.1 5, and/or 6 of the *Ontario Drug Benefit Act*, R.S.O. 1990, c.O.10, as amended, and/or sections 18, 20.2 and/or 27 of *O.Reg. 201/96*, 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 or unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. Directing the Registrar to impose the following specified terms, conditions or limitations on the Member's certificate of registration:
  - (a) requiring the Member to complete successfully, at his own expense, within twelve (12) months of the date of this Order:
    - (i) the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass; and
    - (ii) the Institute for Safe Medication Practices Canada Course on Medication Safety Considerations for Compliance Packaging;
  - (b) requiring the Member to complete successfully, within twelve (12) months from the date this Order, 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 the preparation, billing and recordkeeping in relation to blister packs, and

the duty to create written policies and procedures regarding these matters and to ensure that they are adhered to within a pharmacy, on the following terms:

- (i) the Member shall retain, at his own expense, a practice mentor acceptable to the College within three (3) months of the date of this Order;
- (ii) the Member shall meet at least three (3) times with the practice mentor, and more times if the mentor determines that further meetings are necessary, at a place to be determined by the practice mentor, for the purpose of reviewing the Member's practices with respect to preparation, billing and recordkeeping in relation to blister packs, and the duty to create written policies and procedures and to 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 up to twelve (12) months from the date of this Order;
- (iii) the Member shall provide the practice mentor with the following documents related to this proceeding:
  1. the Notice of Hearing;
  2. the Agreed Statement of Facts;
  3. the Joint Submission on Order; and/or
  4. 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; and

(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 thirteen (13) months from the date of this Order;

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of three (3) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training programs as specified in paragraph 2 above. The suspension shall commence on December 1, 2019 and continue without interruption until January 31, 2020. If the remitted portion of the suspension has to be served because the Member fails to complete the remedial training programs as specified in paragraph 2 above, the further suspension shall commence on January 4, 2021 and continue without interruption until February 3, 2021, unless the time for completing the remedial steps in paragraph 2 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 \$7,500.00.

In its reprimand, the Panel noted that pharmacy is a self-regulated profession, and that pharmacists bear the responsibility to ensure that the trust of College members and the public is maintained. The Panel observed that the practice of pharmacy is a privilege that carries with it significant obligations to the public, the profession, and oneself.

The Panel noted that the Member failed in his responsibilities as a pharmacist and Designated Manager. The Panel pointed out that it is the Member's responsibility to practice in accordance with the law and have policies and procedures in place that comply with the law.

The Panel expressed its trust this disciplinary process causes the Member to reflect on his practice and will motivate him to make positive changes, and its expectation that he will not appear again before a panel of the Discipline Committee.

### Allen Kula (OCP #28479)

At a hearing on December 18, 2019, a Panel of the Discipline Committee made findings of professional misconduct against Allen Kula in that he:

- Sold drugs by retail to patients in the U.S. at premises other than an accredited pharmacy;
- Sold by retail and/or dispensed prescription drugs to patients in the U.S. without a lawful and/or otherwise valid prescription; and/or
- Contravened the OCP policies on *Operating Internet Sites*, dated June 2001; *Internet Pharmacies*, dated May 2012; and/or *Prescriptions - Out of Country*, dated January-February 2003.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, or the regulations under those Acts, and in particular, sections 139, 146, 147, 149, 155 and/or 158 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H-4, as amended;
- Contravened, while engaged in the practice of pharmacy, any federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections C.01.041 and/or C.01.042 of the *Food and Drug Regulations*, C.R.C., c. 870, as amended;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

Mr. Kula agreed to permanently resign as a member of the College, effective December 19, 2019, while a discipline hearing into the allegations of professional misconduct against him was pending before the Discipline Committee.

The Panel imposed an Order, as follows:

1. A reprimand;
2. Costs to the College in the amount of \$10,000.00.

In its reprimand, the Panel noted that it found Mr. Kula's conduct reprehensible, and commented that he has again brought discredit to the noble profession of pharmacy.

The Panel indicated that, as result of his misconduct, Mr. Kula jeopardized the safety of the public, and brought disgrace to the pharmacy profession and to himself.

The Panel expressed its confidence that Mr. Kula's decision to irrevocably surrender his certificate of registration will ensure the public is protected.



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