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# APPENDIX A DISCIPLINE CASE SUMMARIES 2020



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).

**Murray Salomon** (OCP #67393)

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At a hearing on January 10, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Murray Salomon in that he contravened terms, conditions or limitations imposed on his certificate of registration by a September 5, 2017 order of a panel of the Discipline Committee of the Ontario College of Pharmacists, and, in particular he failed to:

- meet at least five (5) times with a practice mentor, at a place to be determined by the practice mentor, for the purpose of reviewing his ethical and professional obligations in relation to consent, compliance with program claim requirements, maintaining accurate records, and any other issues raised by the facts and findings of professional misconduct in his September 5, 2017 disciplinary hearing, and identifying areas in his practice with respect to these issues that require remediation within 12 months of the September 5, 2017 Discipline Committee Order.
- provide the practice mentor with the following documents related to his September 5, 2017 discipline proceeding:
  - o the Notice of Hearing;
  - o the Agreed Statement of Facts;
  - o the Joint Submission on Order; and
  - o the Panel's Decision and Reasons, if and when available.
- develop with the practice mentor a learning plan to address the areas of the his practice requiring remediation.
- demonstrate to the practice mentor, in a manner directed by and acceptable to the practice mentor, that the he has achieved success in meeting the goals established in the learning plan.
- ensure that the practice mentor reports the result of the mentorship program to the Manager, Investigations and Resolutions at the College, after its completion, no later than twelve (12) months from the date of the September 5, 2017 Discipline Committee Order.

In particular, the Panel found that he

- Contravened terms, conditions or limitations imposed on his certificate of registration
- Failed to comply with a September 5, 2017 order of a panel of the Discipline Committee of the Ontario College of Pharmacists
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances would reasonably be regarded by members as dishonourable and unprofessional

Mr. Salomon agreed to permanently resign as a member of the College, effective January 10, 2020, 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 \$5,000.00.

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. Members of the College are expected to adhere to all regulations and standards of practice governing pharmacy. Compliance with an Order issued by the Discipline Committee is essential to protect the public and maintain confidence in the ability of the College to govern the profession.

The Panel pointed out that breaching an Order of the Discipline Committee is unacceptable and brings discredit to the profession of pharmacy.

**Salam Abdul** (OCP #217373)

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At a hearing on January 20, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Abdul with respect to the following incidents:

- On various occasions between June 6, 2012 and October 25, 2013 he

returned to stock and/or again sold or dispensed drugs previously sold or dispensed and delivered, namely Risperdal Consta, in various strengths;

- Between June 6, 2012 and October 25, 2013, he submitted false claims to ODB regarding units of Risperdal Consta, in various strengths, that were either not dispensed to patients, or were already the subject of previous claims that had been paid by ODB;
- Between June 6, 2012 and October 25, 2013, he created false records of dispensing and/or billing transactions in relation to the false claims submitted to ODB;
- In or about May 2014, he provided the College's investigator with prescription breakdown reports that did not reflect the true number of prescriptions of Risperdal Consta claimed by the Pharmacy from ODB.

In particular, the Panel found that he:

- Returned to stock and/or again sold or dispensed drugs previously sold or dispensed and delivered, namely Risperdal Consta, in various strengths;
- Falsified records relating to his practice;
- Issued, in his professional capacity, a document that he knew contained a false or misleading statement;
- Submitted an account or charge for services that he knew was false or misleading;
- Engaged in conduct relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonable be regarded by members as disgraceful, dishonourable and unprofessional.

The Panel imposed an Order, which included:

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 must successfully complete, within twelve (12)

months of the date this Order becomes final, and at his own expense, the ProBE Program on Professional/Problem-Based Ethics for healthcare professionals offered by the Centre for Personalized Education for Physicians, and any related evaluations, with an unconditional pass;

- b. for a period of five (5) years, commencing on the date this Order becomes final, the Member shall be prohibited from acting as a Designated Manager at any pharmacy;
- c. for a period of five (5) years, commencing on the date this Order becomes final, the Member shall be prohibited from receiving any remuneration for his work as a pharmacist, or related in any way to the operation of a pharmacy, other than remuneration based on hourly or weekly rates or salary and in particular, not on the basis of any incentive or bonus for prescription sales;
- d. for a period of five (5) years, commencing on the date this Order becomes final, the Member shall be prohibited from having any proprietary interest in a pharmacy as sole proprietor or partner, or as shareholder in a corporation that owns a pharmacy, or in any other capacity; and
- e. for a period of five (5) years, commencing on the date this Order becomes final, the Member shall be prohibited from acting as a director of a corporation that owns a pharmacy;
- f. for a period of five (5) years, commencing on the date 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. 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 the Member commencing employment at the pharmacy, that the Designated Manager received and reviewed a copy of the Agreed Statement of Facts and this Joint Submission on Order, or the panel's decision and

reasons (when available), before he commenced employment;

iii. the terms in clauses 2.f.i. and ii. shall apply even if the Member's employment in the pharmacy is as a relief pharmacist;

3. That the Registrar be directed to suspend the Member's Certificate of Registration for a period of eighteen (18) months, with one (1) month of the suspension to be remitted on the condition that the Member completes the remedial requirements specified in subparagraph 2.a, above. The suspension shall commence on January 21, 2020, and run until May 20, 2021, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial training specified in subparagraph 2.a, above, the remainder of the suspension shall commence on May 21, 2021, and continue until June 20, 2021, 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 \$10,000.00.

In its reprimand, the Panel noted that pharmacy is a highly respected profession, to which integrity and trust are paramount. Pharmacists provide care to the public and in return are held in high regard for the role they play.

This Panel expressed its extreme disappointment in the Member's conduct and related that it was appalled by the facts presented in this case. The Panel pointed out that the Member defrauded the people of Ontario, which has a negative impact on health care funding. His actions undermined the public's confidence in the profession and endanger its trusted reputation. He knowingly falsified records and re-dispensed medications for his own profit, thus putting a vulnerable patient population at risk.

The Panel expressed its expectation that the Member will take this opportunity to reflect on his actions and complete the required remediation. In so doing, the Panel anticipated that the Member will change the way he practices, and that he will not appear again in front of a panel of the Discipline Committee.

### Daniel Hanna (OCP #210352)

At a hearing on January 22, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Mr. Hanna with respect to:

- False or unsubstantiated claims submitted to the Ontario Drug Benefit Program (ODB) from the Pharmacy totalling approximately \$71,000 for 11 identified drug and other health products, from in or around March of 2015 to in or around February of 2017;
- Improper claims for prescriptions submitted to the ODB from the Pharmacy totalling approximately \$62,000, for the period beginning in or around March of 2015 to in or around February of 2017, in relation to:
  - o Claims for patients who were deceased, for 26 identified prescriptions;
  - o Claims for allergy products for which the required forms were not obtained or retained, for 2 identified prescriptions;
  - o Claims for products in package sizes not listed in the ODB Formulary, for 3 identified prescriptions;
  - o Claims for extemporaneous mixtures where the amount charged exceeded the amount allowed, for 23 identified prescriptions;
  - o Claims for MedsCheck reviews which did not meet the criteria for reimbursement, in relation to 120 identified reviews;
  - o Claims for "no substitution" products for patients for whom the required forms were not obtained, for 372 identified prescriptions;
  - o Claims for Limited Use Products that did not meet the ODB's criteria for reimbursement, for 44 identified prescriptions; and/or
  - o Claims for products different from those dispensed, including gabapentin, Ensure Plus and Cymbalta, for identified quantities and amounts.

In particular, the Panel found that he

- Failed to maintain a standard of the profession
- Contravened, while engaged in the practice of pharmacy, a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections 5, 6 and 15 of the *Ontario Drug Benefit Act*
- 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
- Failed to keep records as required respecting his patients
- Submitted an account or charge for services that he knew was false or misleading
- Falsified a record relating to his practice
- Signed or issued, in his professional capacity, a document he knew contained a false or misleading statement
- Engaged in conduct or preformed 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. Hanna agreed to permanently resign as a member of the College, effective January 22, 2020, while a discipline hearing into the allegations of professional misconduct against him was pending before the Discipline Committee.

The Panel imposed an Order which included as follows:

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

In its reprimand, the Panel observed that the profession of pharmacy is held in

high regard by the public for the role that pharmacists play in the provision of healthcare in Ontario. Integrity and trust are paramount to the profession.

The Panel explained that it considered the seriousness of Mr. Hanna's misconduct, and was extremely disappointed with his failure to maintain the standards of practice expected by the profession and the public.

The Panel pointed out that Mr. Hanna misused public funds and violated the trust that the public holds in this profession. The Panel expressed its disapproval of Mr. Hanna's conduct.

### **Maged Ghobrial (OCP #613350)**

At a hearing on January 23, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Maged Ghobrial in that he submitted claims to [Claims Adjudicator] that included markups on the unit drug cost that were excessive and unreasonable, in or about February 2017-February 2018.

In particular, the Panel found that he

- Failed to maintain a standard of practice of the profession;
- Charged a fee and/or amount that was excessive in relation to the service and/or product provided;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as dishonourable and unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand;
2. Directing the Registrar to impose the following specified terms, conditions or limitations on the Member's certificate of registration, and in particular, requiring the Member to complete successfully, at his own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass;

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 January 24, 2020 and continue without interruption until March 23, 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 24, 2021 and continue without interruption until February 23, 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 \$10,000.00.

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

The Panel pointed out that it is Mr. Ghobrial's responsibility to practice in accordance with the code of ethics and the standards of practice. In this regard, he failed to maintain the standards of practice of the profession and he engaged in inappropriate billing practices.

The Panel explained that Mr. Ghobrial's conduct was unprofessional and dishonourable, and expressed its hope that the disciplinary process will cause him to self reflect and improve his personal practice.

#### **Nisha Groodoyal (OCP #606825)**

At a hearing on January 31, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Nisha Groodoyal with respect to the following:

- Between January 2013 and April 2015, she dispensed a drug other than under the supervision or direction of a pharmacist, on one or more occasions.

In particular, the Panel found that she:

- Contravened a term, condition or limitation imposed on her certificate of registration;
- Failed to maintain the standards 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, as follows:
  - o s. 18 of *Ontario Regulation 202/94* under the *vPharmacy 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 unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand;
2. That the Registrar be directed to impose the following conditions and limitation on the Member's certificate of registration:
  - a. that the Member successfully complete, within twelve (12) months of the date of this order, 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

complying with a practitioner's regulatory obligations, including the professional conduct issues raised by this case;

- 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 of this Order;
- b. for a period of twelve 12 months 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 she 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 her commencing employment at the pharmacy, that the Designated Manager received and reviewed a copy of the Agreed Statement of Facts and this Joint Submission on Order, or the panel's decision and reasons (when available), before she commenced employment;
  - iii. the terms in clauses 2.b.i. and ii. shall apply even if the Member's employment in the pharmacy is as a relief pharmacy technician;
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 1 (one) month. The suspension shall commence on February 1, 2020, and run until February 28, 2020, inclusive;
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 members bear the responsibility of following the standards of practice. These standards require that a pharmacy technician adheres to current laws, regulations, and policies, and that she practices within the terms, conditions, or limitations imposed on her certificate of registration.

The Panel observed that pharmacy technicians, when collaborating to provide patient care, must confirm that a pharmacist has taken certain steps, before releasing prescription products.

The Panel expressed its hope that the Member has learned from this process and that she will not appear before a Discipline Committee panel again in the future.

#### **Sinan Hadi (OCP #608706)**

At a hearing on February 3, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Sinan Hadi with respect to the following incidents:

- On or about September 24, 2016, he committed sexual assault on a minor;
- On or about September 24, 2016, he did, without lawful authority, confine a minor;
- He failed to report to the College that on or about September 26, 2016 he was charged with sexual assault and unlawful confinement, under sections 271 and 279(2) of the Criminal Code;
- On or about March 9, 2017, in written and/or electronic material he submitted to the College during the renewals of his certificate of registration he indicated that he was not the subject of a criminal proceeding, at a time he was charged with sexual assault and unlawful confinement, contrary to sections 271 and 279(2) of the Criminal Code;
- On or around March 8, 2018, in written and/or electronic material he submitted to the College during the renewals of his certificate of registration he indicated that he was not the subject of a criminal proceeding, at a time he was charged with sexual assault;

- On or about March 16, 2018, he was found guilty of sexual assault and unlawful confinement, contrary to sections 271 and 279(2) of the Criminal Code;
- He failed to report to the College that on or about March 16, 2018 he was convicted of sexual assault and unlawful confinement, under sections 271 and 279(2) of the Criminal Code; and
- He failed to report to the College that on or about October 16, 2018 he was found to have engaged in unprofessional conduct by a hearing tribunal of the Alberta College of Pharmacy.

In particular, the Panel found that he:

- Was found guilty of offences that are relevant to his suitability to practice;
- Contravened a term, condition or limitation imposed on his certificate of registration, as set out in section 5, paragraph 1(ii) of *Ontario Regulation 202/94*;
- Breached section 85.6.1 of the *Health Professions Procedural Code*;
- Breached section 85.6.3 of the *Health Professions Procedural Code*;
- Signed or issued, in his professional capacity, a document that he knew or ought to have known contained a false or misleading statement;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable and unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand in writing;
2. Directing the Registrar to revoke Mr. Hadi's Certificate of Registration;
3. Costs to the College in the amount of \$18,500.00.

The reprimand in this matter remains outstanding.

### **Edward Essa (OCP #58521)**

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At a hearing on February 5, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Edward Essa in that he was convicted of sexual assault on October 15, 2018 in the Superior Court of Justice at [Town], Ontario

In particular, the Panel found that he was found guilty of an offence that is relevant to his suitability to practice.

The Panel imposed an Order which included as follows:

1. A reprimand;
2. Directing the Registrar to revoke Mr. Essa's Certificate of Registration;
3. Costs to the College in the amount of \$5,000.00.

Mr. Essa entered into an Acknowledgment & Undertaking, as part of the resolution of this matter, by which he undertook that he would not in the future seek reinstatement of his certificate of registration.

In its reprimand, the Panel noted that it found Mr. Essa's conduct to be appalling and unacceptable in the eyes of the public and the profession. The Panel pointed out that his behaviour has impacted his suitability and ability to practice as a pharmacist.

The Panel expressed its view that Mr. Essa's conduct was reprehensible, and that he ought to have known that the conduct he engaged in was totally unacceptable. The Panel observed that Mr. Essa has brought shame to himself and to the profession.

### **Farhang Fakoori (OCP #604635)**

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At a hearing on February 7, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Farhang Fakoori with respect to:

- Failing to keep records as required respecting his patients and/or practice with respect to one or more of certain identified drugs and/or products,

from in or about January 2017 to in or about December 2017;

- Falsifying a record relating to his practice and/or a person's health record with respect to one or more of certain identified drugs and/or products, from in or about January 2017 to in or about December 2017;
- Signing or issuing, in his professional capacity, a document that he knew or ought to have known contained a false or misleading statement with respect to one or more of certain identified drugs and/or products, from in or about January 2017 to in or about December 2017; and/or
- Submitting an account or charge for services that he knew or ought to have known was false and misleading with respect to one or more of certain identified drugs and/or products, from in or about January 2017 to in or about December 2017;
- Having systems in place to maintain an audit trail of the acquisition and movement of drugs.

In particular, it is alleged that he:

- Failed to maintain a standard of practice of the profession;
- Failed to keep records as required respecting his patients and/or practice;
- Falsified a record relating to his practice and/or a person's health record;
- Signed or issued, in his professional capacity, a document that he knew and/or ought to have known contained a false or misleading statement;
- Submitted an account or charge for services or products that he knew and/or ought to have known was false or misleading;
- 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 and Dispensing Fee Act* or the *Ontario Drug Benefit Act* or the regulations under those Acts, and in particular:

o section 166 of the *Drug and Pharmacies Regulation Act*, and

o sections 18, 19, and 20 of *Ontario Regulation 264/16*;

- Contravened a federal, provincial or territorial law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, with respect to the distribution, purchase, sale, dispensing or prescribing of any drug or product, the administering of any substance, or the piercing of the dermis, whose purpose is to protect or promote the public health, and/or that is otherwise relevant to his suitability to practise, and in particular:
  - o section 166 of the *Drug and Pharmacies Regulation Act*, and
  - o sections 18, 19, and 20 of *Ontario Regulation 264/16*;
- 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 suspend the Member's certificate of registration for a period of 12 months, with 1 month of the suspension to be remitted on the condition that the Member completes the remedial training specified in paragraph 3(a) below. The suspension shall commence on February 7, 2020 and shall continue until January 6, 2021, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to successfully complete the remedial requirement specified in paragraph 3(a) below, that portion of the suspension shall commence on February 7, 2021 and shall continue until March 6, 2021, inclusive;
3. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration, including:
  - a. The Member must successfully complete, with an unconditional pass, at his own expense and within 12 months of the date of this Order, the ProBE Program on professional/problem-based ethics for health care professionals offered by the Centre for Personalized Education for Physicians;

- b. For a period of three (3) years from the date of this Order, the Member shall be prohibited from having any proprietary interest in a pharmacy of any kind and/or receiving remuneration for his work as a pharmacist other than remuneration on an hourly or weekly basis;
- c. For a period of three (3) years from the date of this Order, the Member shall be prohibited from acting as a Designated Manager in any pharmacy;
- d. For a period of three (3) years from the date of this Order, the Member shall be required to notify the College in writing of the names(s), address(s) and telephone numbers(s) of all employer(s) within fourteen (14) days of commencing employment in a pharmacy;
- e. For a period of three (3) years from the date of this Order, the Member shall provide his pharmacy employer with a copy of the Discipline Committee Panel's decision in this matter and its Order and provide proof to the College Registrar within fourteen (14) days of the Member commencing employment;

#### 4. Costs to the College in the amount of \$10,000.00.

In its reprimand, the Panel noted its extreme disappointment with the facts presented. The Panel observed that this behaviour represents a well-known and egregious breach of the standards of practice, and that the Member should have known better.

The Panel pointed out that pharmacy is a self-regulated profession, and that public confidence in members to act with honesty and integrity must be maintained. The Panel indicated that the Member's actions jeopardize this trust.

The Panel expressed its view that, in the future, the Member is expected to practice pharmacy within the standards of this profession. The Panel noted its expectation that the Member will take this opportunity to reflect on his actions and complete the required remediation, and that he will change the way he practices and will not appear again in front of a panel of the Discipline committee.

#### Tom McNulty (OCP #203604)

At a hearing on April 23, 2020, a Panel of the Discipline Committee (the "Panel") made findings of professional misconduct against Tom McNulty in that he:

- Was employed in or worked in Tom's Pharmacy while his licence was suspended for cause;
- Used the title "pharmacist" while his certificate of registration was suspended, including but not limited to: on his LinkedIn profile; and/or in interactions with patients and the public at Tom's Pharmacy;
- Dispensed or sold drugs at Tom's Pharmacy when he was not a pharmacist, in particular but not limited to on or about October 20, 2017, February 22, 2018, and/or September 15, 2018;
- Engaged in the controlled acts of prescribing, dispensing, selling or compounding a drug as defined in the *Drug and Pharmacies Regulation Act*, or supervising the part of the pharmacy where such drugs are kept at Tom's Pharmacy, when he was not a member authorized by a health profession Act to perform the controlled act, in particular but not limited to on or about October 20, 2017, February 22, 2018, and/or September 15, 2018;
- Provided information or education to patients at Tom's Pharmacy, in particular but not limited to [Patient A] on or about February 20, 2018, [Patient B] in or after August 2018, and other customers on or about September 15, 2018;
- Provided instructions regarding the dispensing of extra tablets of sildenafil to [Patient C] in or around August 2018 to October 2018;
- Removed prescription drugs from Tom's Pharmacy without a prescription, including but not limited to Lynparza and Premarin;
- Sold drugs without a prescription, including but not limited to Lynparza and Premarin; and/or
- Demonstrated a pattern of ungovernability.

In particular, the Panel found that he:

- Inappropriately used a term, title or designation in respect of his practice;
- 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, in particular but not limited to:
  - o sections 10(1) and 10(2) of the *Pharmacy Act*;
  - o sections 143, 149, and 155 of the *Drug and Pharmacies Regulation Act*;
  - o section 27 of the *Regulated Health Professions Act, 1991*;
- Contravened any federal, provincial or territorial law or municipal by-law, 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, whose purpose is to protect or promote public health, or that is otherwise relevant to his suitability to practice, in particular but not limited to subsection C.01.041 of the *Food and Drug Regulations*, C.R.C., c. 870;
- Failed to comply with an order of a Committee or a panel of a Committee of the College, namely the interim suspension order of the Inquiries, Complaints and Reports Committee, effective as of June 30, 2017;
- Practised the profession while his certificate of registration was under suspension;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable and unprofessional.

At the same hearing, the Panel also made findings of professional misconduct against Tom McNulty in that he:

- Failed to successfully complete, at his own expense, the ProBE Program on Professional/Problem Based Ethics for healthcare professionals, with

an unconditional pass, within twelve (12) months of the date of the Order made by a panel of the Discipline Committee on or about March 29, 2018;

- Held himself out as a person who is qualified to practise in Ontario as a pharmacist while his certificate of registration was suspended, in particular but not limited to on or about April 3 to 15, 2019 and/or on or about May 28 to 29, 2019;
- Was employed in or worked in Tom's Pharmacy while his licence was suspended for cause, in particular but not limited to on or about April 3 to 15, 2019 and/or on or about May 28 to 29, 2019;
- Engaged in the practice of pharmacy at Tom's Pharmacy while his certificate of registration was suspended, in particular but not limited to on or about April 3 to 15, 2019 and/or on or about May 28 to 29, 2019;
- Interacted with patients or customers at Tom's Pharmacy while his certificate of registration was suspended, in particular but not limited to on or about April 3 to 15, 2019 and/or on or about May 28 to 29, 2019; and/or
- Demonstrated a pattern of ungovernability.

In particular, the Panel found that he:

- Contravened a term, condition or limitation imposed on his certificate of registration;
- 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, in particular but not limited to:
  - o section 10(2) of the *Pharmacy Act*; and/or
  - o section 143 of the *Drug and Pharmacies Regulation Act*;
- Failed to comply with an order of a Committee or a panel of a Committee of the College;

- Practised the profession while his certificate of registration was under suspension;
- 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. McNulty agreed to permanently resign as a member of the College, effective April 9, 2020, 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 members of the public hold pharmacists in high regard. As a pharmacist, Mr. McNulty failed in his professional obligation to conduct himself in a manner that is respectable, responsible, and maintains public confidence.

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

The Panel noted that Mr. McNulty failed to uphold the standard of practice of pharmacy and failed to adhere to the laws and regulations that govern it. The results of his misconduct are that he has let down the public and the pharmacy profession. The Panel expressed its confidence that his decision to irrevocably surrender his certificate of registration will ensure the public is protected.

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### Deina Bebawy (OCP #613610)

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At a hearing on May 29, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Deina Bebawy in that she:

- Failed to ensure all blister pack prescriptions were checked and/or signed by the pharmacist dispensing the prescriptions to patients, including for certain identified patients;
- Failed to ensure the prescriptions and/or contents of blister pack prescriptions were recorded accurately for patients, including for certain identified patients;
- Failed to ensure compliance with the OCP guideline on Multi-Medication Compliance Aids, updated 2013, with respect to billing, dispensing and/or documenting blister pack prescriptions;
- Billed routinely for excessive dispensing fees at weekly intervals for blister pack prescriptions actually dispensed to patients at bi-weekly or monthly intervals, including for certain identified patients; and/or
- Created false and/or misleading records routinely indicating blister pack prescriptions were being dispensed to patients at weekly intervals when the prescriptions were actually being dispensed to patients at bi-weekly or monthly intervals, including for certain patients.

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;
- Failed to keep records as required respecting her patients or practice;
- Falsified a record relating to her practice or a person's health record;
- Submitted an account or charge for services or products that she 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 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,
  - o section 156 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H. 4;
  - o section 20 of *O.Reg. 264/16*;
  - o sections 4, 4.1, 5, and/or 6 of the *Ontario Drug Benefit Act*, R.S.O. 1990, c. O. 10; and/or
  - o 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 specified terms, conditions and limitations on the Member's certificate of registration requiring that:
  - a. the Member shall 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 arising in the Member's case, within twelve (12) months of the date of the Order, in accordance with the following terms:
    - i. the number of sessions shall be at the discretion of the consultant;
    - ii. the manner of attendance at the sessions(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 with the following documents in advance of the course:
  - A. the Notice of Hearing;
  - B. the Agreed Statement of Facts;
  - C. the Joint Submission on Order; and
  - D. the Decision and Reasons of the Panel, if and when available.
- 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 maintaining appropriate practices in relation to billing, recordkeeping, pharmacy policies and preparation of compliance packages;
- v. the essay shall be at least 1,000 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;
- vi. the Member shall be responsible for the cost of the course; and
- vii. 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 of this Order.
- b. the Member shall complete successfully, at her own expense and within twelve (12) months of the date of this Order, the ISMP Canada course on Medication Safety Considerations for Compliance Packaging, and provide verifiable proof to the College that she has done so;
- c. the Member shall retain, at her own expense, a practice mentor acceptable to the College, for the purpose of reviewing the Member's practice in relation to billing, recordkeeping, pharmacy policies and preparation of compliance packaging in accordance with the following

terms:

- i. the Member shall retain the practice mentor 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 practice mentor determines that further meetings are required;
  - iii. the Member shall provide the practice mentor with the following documents in advance of the first meeting:
    - A. the Notice of Hearing;
    - B. the Agreed Statement of Facts;
    - C. the Joint Submission on Order; and
    - D. the Decision and Reasons of the Panel, 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 in relation to compliance packaging that require remediation;
  - v. the Member shall demonstrate to the practice mentor that she has achieved 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 no later than twelve (12) months from the date of this Order; and
- d. the Member shall be prohibited from acting as a Designated Manager for any pharmacy for twelve (12) months from the date of this Order or until she has completed the courses and programs in subparagraphs (a), (b) and (c) above, whichever date is later.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of four (4) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training programs as specified in paragraph 2 above. The suspension shall commence on May 29, 2020 and continue without

interruption until August 28, 2020, inclusive. 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 May 30, 2021 and continue without interruption until June 29, 2021, inclusive, 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 \$9,000.00.

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

The Panel observed that, as a pharmacist, the Member is expected to comply with her professional, legal, and ethical obligations, and the standards of practice of this profession. She failed to meet those obligations, in her responsibilities as a pharmacist and Designated Manager.

The Panel voiced concern with the seriousness of the allegations and the conduct to which the Member admitted. The Panel expressed its hope that this disciplinary process will cause the Member to reflect on her practice and motivate her to make positive changes, and its expectation that the Member will not appear again before a panel of a Discipline Committee of the Ontario College of Pharmacists.

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**Nabil Aziz** (OCP #611074)

At a hearing on June 2, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Nabil Aziz in that he:

- 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 Policy on Prescriptions – Out of Country, dated January-February 2003.

In particular, the Panel found that the Member

- Failed to maintain a standard of practice of a profession;
- Contravened the Act, the *Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act, 1991*, or the regulations under those Acts, and in particular, section 155 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H-4, as amended;
- Contravened, while engaged in the practise of pharmacy, a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, sections 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 dishonourable and 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 requiring the Member to complete successfully, at his own expense and within twelve (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, for the purpose of addressing the professional and ethical obligations raised by the facts and findings of professional misconduct in this case (the "Siskind Course"). The following terms shall apply to the Siskind Course:
  - a. the number of sessions shall be at the discretion of the consultant, but shall be a minimum of two (2) meetings and a maximum of three (3) meetings;
  - 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 the following documents, in advance of the Siskind Course, to facilitate the design of the Siskind Course:
    - i. the Notice of Hearing;
    - ii. the Agreed Statement of Facts;
    - iii. this Joint Submission on Order; and
    - iv. the Panel's Decision and Reasons, if and when available;
  - d. successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the issues raised in this matter; and
  - e. the consultant shall agree to confirm to the College once the Member has completed the Siskind Course to the satisfaction of the consultant.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of two (2) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training program as specified in subparagraph 2 above. The suspension shall commence on June 2, 2020 and continue without interruption until July 1, 2020, inclusive. If the remitted portion of the suspension has to be served because the Member fails to complete the training as specified in subparagraph 2 above, the further suspension shall commence on June 2, 2021 and continue without interruption until July 1, 2021, inclusive. If the time for completing the remedial steps in subparagraph 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 amount of \$10,000.00.

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

The Panel explained that, through his actions, the Member failed in his obligations as a pharmacist. The Panel related that the suspension of the

Member's Certificate of Registration is essential to protect the public and serves as general and specific deterrence, and the remediation ordered is intended to provide the Member with an opportunity for the rehabilitation of his conduct in his pharmacy practice.

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.

### **Jared Peters** (OCP #620560)

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At a hearing on June 5, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Jared Peters with respect to the following incidents:

- On or about December 1, 2016, he stole fentanyl patches from the Pharmacy;
- On February 8, 2018 findings of guilt were made against him by the Ontario Court of Justice at Owen Sound, Ontario in relation to the following counts:
  - Theft under \$5000 (fentanyl), contrary to s. 334(b) of the *Criminal Code*;
  - Possession of cocaine, contrary to s. 4(1) of the *Controlled Drugs and Substances Act*;
  - Possession of hydromorphone, contrary to s. 4(1) of the *Controlled Drugs and Substances Act*.

In particular, the Panel found that Mr. Peters:

- Was found guilty of offences that are relevant to his suitability to practice;
- Failed to maintain a standard of practice of the profession;
- Dispensed drugs for an improper purpose;
- 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 Mr. Peters' certificate of registration, and in particular:
  - a. That Mr. Peters complete successfully with an unconditional pass, at his own expense and within 12 months of the date on which he obtains an active certificate of registration, the ProBE Program on Professional/ Problem-Based Ethics offered by the Centre for Personalized Education for Physicians;
  - b. For a period of two years from the date on which he obtains an active certificate of registration, Mr. Peters 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;
  - c. For a period of three years from the date on which he obtains an active certificate of registration, Mr. Peters 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 three years from the date on which he obtains an active certificate of registration, Mr. Peters shall only work for an employer who confirms to the College in writing that:
    - i. That Mr. Peters 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. Mr. Peters 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 three months of the date of his application, which indicates to the satisfaction of the Registrar that he 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 is directed to suspend Mr. Peters' Certificate of Registration for a period of 18 months, with two months of the suspension be remitted on condition that Mr. Peters complete the remedial training as specified in paragraph 2(a). The suspension shall commence on the date on which Mr. Peters obtains an active certificate of registration and shall continue for 16 months, inclusive. If the remitted portion of the suspension is required to be served by Mr. Peters because he fails to complete the remedial training as specified in paragraph 2(a), that portion of the suspension shall commence on the date that is 16 months from the date on which obtained an active certificate of registration, and shall continue for two months, 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 in the amount of \$2,500.

Clarity Note: the time periods in paragraphs 2b, c, and d do not start to run until the suspension, described in paragraph 3, has concluded.

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. Theft of narcotics from one's place of employment goes directly against this.

The Panel observed that pharmacy is a self-regulated profession, and 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 pointed out that Mr. Peters acknowledged responsibility for his actions and recognized his remorse, and commended him on being proactive in changing his behaviour. While it is unknown if he will return to the profession, the Panel expressed its hope that the penalty decision, and the terms and conditions imposed within that decision, will ensure that he will not appear again before another discipline panel of the College again.

### **Brian White (OCP #77976)**

At a hearing on June 22, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Brian White with respect to the following incidents:

- On or about October 21, 2017, or sometime after, he signed his name to hardcopy prescriptions, which he had not dispensed, dated October 20, 2017, which had actually been dispensed by a member whose certificate of registration he knew was suspended.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Falsified a record related 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 a misleading or statement;
- Permitted, counselled or assisted, whether expressly or by implication, any member to contravene, or to practise in a manner that is inconsistent with a term, condition or limitation on that member's certificate of registration;
- 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. 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 twenty four (24) months of the date on which he obtains an active certificate of registration, the ProBE Program on Professional/Problem-Based Ethics offered by the Centre for Personalized Education for Physicians;
3. That the Registrar suspend the Member's Certificate of Registration for a period of three (3) months, with one (1) month of the suspension to be remitted on condition that the Member 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 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 requirement specified in paragraph 2(a), that portion of the suspension shall commence on the date that is twenty four (24) 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;
4. Costs to the College in the amount of \$8,500.00.

In its reprimand, the Panel noted that members of the public and patients hold the pharmacy profession in high regard. As such, it is expected that pharmacists conduct themselves with the highest degree of professionalism and respect to the public. Pharmacists are expected to comply with their professional, legal and ethical obligations and the standards of practice of this profession. Mr. White failed to meet those obligations in his responsibilities as a pharmacist.

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 result of Mr. White's professional misconduct is that he has eroded the public trust in the pharmacy profession and cast a shadow over his own integrity and long standing, previously unblemished, career.

The Panel related its hope that this hearing has given Mr. White the opportunity to pause for reflection. Despite the fact that he has resigned, this does not negate the outcome of his conduct and the obligations of a regulated health professional. The Panel expressed its hope that Mr. White will share his experience with other pharmacy professionals, and teach that this type of conduct is not acceptable to the College, the members, or the public.

### Harpreet Saini (OCP #614740)

At a hearing on June 25, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Harpreet Saini with respect to the following incidents:

- He engaged in criminal harassment, which is an offence contrary to section 264(2)(a) of the *Criminal Code*, and in the conduct and acts which form the basis of that criminal finding of guilt;
- On or about September 19, 2018, he was found guilty of one count of criminal harassment, which is an offence contrary to section 264(2)(a) of the *Criminal Code*;
- He failed to report to the Registrar within 30 days the details of charges against him under the *Criminal Code*, as set out in an information sworn on or about August 22, 2017, as required by *College By-Law No. 4, Article 12.1*;
- He failed to report to the Registrar as soon as reasonably practicable and/or within 30 days the details of a finding against him under the *Criminal Code*, made on or about September 19, 2018, as required by section 85.6.1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and/or *College By-Law No. 4, Article 12.1* and/or *College By-Law No. 5, Article 13.1*;
- He provided a false statement to the College in response to the question regarding a finding of guilt for an offence on the annual registration renewal questionnaire, on or about March 8, 2019.

In particular, the Panel found that he:

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

- Contravened a term, condition or limitation imposed on his certificate of registration pursuant to section 5, paragraph 1(i) and/or paragraph 1(ii) of *Ontario Regulation 202/94*;
- Signed or issued, in his professional capacity, a document that he knew or ought to have known contained a false or misleading statement;
- Contravened section 85.6.1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*;
- 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;
- Engaged in conduct that is unbecoming a member.

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 he successfully complete, within twelve (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 issues raised in this matter, including personal boundaries and the responsibilities of a regulated health professional. The following terms shall apply to the course:
    - i. The number of sessions shall be at the discretion of the consultant, but shall be no fewer than 2.
    - 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 issues raised in this

matter, including boundaries and the responsibilities of a regulated health professional.

- 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; and
  - b. the Member must successfully complete, at his own expense and within twelve (12) months of the date this Order becomes final, all six of the College's current Jurisprudence e-Learning Modules and the Jurisprudence Exam.
3. That the Registrar suspend the Member's Certificate of Registration for a period of one (1) month, with the one (1) month suspension to be remitted on condition that the Member complete the remedial training as specified in paragraphs 2(a) and 2(b). If the remitted suspension is required to be served by the Member because he fails to complete the remedial requirement specified in paragraphs 2(a) and/or 2(b), that portion of the suspension shall commence on June 26, 2021, and shall continue until July 25, 2021, inclusive. If the time for completing the remedial steps in paragraphs 2(a) and/or 2(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 the practice of pharmacy is a privilege, and with that privilege comes obligations. The Panel expressed its view that the Member did not uphold these obligations and, as a result, he compromised the integrity of the profession.

The Panel pointed out that the College's reporting system relies heavily on the honour system, and that the Member's violation of this premise is of significant concern to both the College and the public. The Panel observed that pharmacists are held to a higher account than the general public, and expressed its hope that the remedial education will reinforce this.

The Panel expressed its expectation that the Member's involvement in these discipline proceedings has impressed upon him the seriousness of his actions, and that he will not appear again before a panel of the discipline committee.

**Mohamed Al-Sakaff** (OCP #609763)

At a hearing on July 6, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Mohamed Al-Sakaff with respect to the following incidents:

- Between November 2015 and February 2017, he employed in the Pharmacy a pharmacist whose certificate of registration had been revoked for cause; and/or
- On more than one occasion between November 2015 and February 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 dispensing and/or sale of a drug by an unauthorized person; and/or he signed a hardcopy for a prescription in circumstances where he did not dispense the medication.

In particular, the Panel found that the Member

- Failed to maintain the standards of practice of the profession;
- Falsified a record relating to his practice;
- Signed or issued, in his professional capacity, a document that he knew contained a false or misleading statement;
- Contravened the *Drug and Pharmacies Regulation Act* (DRPA), and in particular:
  - o sections 143(a), 146(1)(a), and/or 149 of the DPRA;
- 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, 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 must successfully complete, on or before March 17, 2021, and at his own expense:
    - i. the ProBE Program on Professional/Problem-Based Ethics for healthcare professionals offered by the Centre for Personalized Education for Physicians, and any related evaluations, with an unconditional pass; and
    - ii. all six of the College's current Jurisprudence e-Learning Modules and the Jurisprudence Exam;
 or provide evidence satisfactory to the College that he has completed the course described in 2(a)(i) and/or 2(a)(ii), above, as the case may be, within the six months prior to the date of this Order;
  - b. for a period of three (3) years, commencing effective March 18, 2020, the Member shall be prohibited from acting as a Designated Manager at any pharmacy;
3. That the Registrar be directed to suspend the Member's Certificate of Registration for a period of five (5) months, with one (1) month of the suspension to be remitted on the condition that the Member completes the remedial requirements specified in subparagraph 2.a, above. The suspension shall commence effective March 18, 2020, and run until July 17, 2020, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial training specified in subparagraph 2.a, above, the remainder of the suspension shall commence on March 18, 2021, and continue until April 17, 2021, 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 the Member failed in the moral obligations and professional responsibilities expected of him as of a member of the profession of Pharmacy. He breached provincial laws, the standards of practice of pharmacy, and his duties as a Designated Manager.

The Panel related that it was deeply troubled by the Member's lack of insight with respect to his decision to knowingly allow and enable an unlicensed individual to practice pharmacy, which has inherently exposed the public to serious risks with potential for dire consequences. In the process, he falsified documents and deceived the public, jeopardizing their trust in the profession.

This Panel expressed its expectation that this discipline process has impressed upon the Member the seriousness of his misconduct. The Panel noted its trust that the remediation he has fulfilled will better equip the Member to make more thoughtful and professional decisions in his future practice, and its expectation that he will not appear before another Panel of the Discipline Committee.

#### **Maria Musitano (OCP #108758)**

At a hearing on July 20, 2020 a Panel of the Discipline Committee made findings of professional misconduct against Maria Musitano in that she:

- Sold and/or dispensed certain identified prescription drugs to the patient, [Patient], without lawful or otherwise valid prescriptions;
- Failed to keep records as required regarding certain identified prescription drugs dispensed to the patient, [Patient];
- Falsified records regarding certain identified prescription drugs dispensed to the patient, [Patient]; and/or
- Contravened the OCP policy on Prescriptions – Out of Country, dated January-February 2003, with respect to entering into an agreement or otherwise facilitating the practice of Dr. [Name] to re-issue prescriptions for the patient, [Patient], despite not having any substantive professional relationship with the patient, in relation to certain identified transactions.

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 whom she was professionally obligated to supervise, including other pharmacist and non-pharmacist staff at the Pharmacy;
- Failed to keep records as required respecting her patients (for conduct up to and including May 4, 2017), and/or respecting her patients or practice (for conduct on or after May 5, 2017);
- Signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement (for conduct up to and including May 4, 2017), and/or that she knew or ought to have known contained a false or misleading statement (for conduct on or after May 5, 2017);
- 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 155 and/or 156 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4, as amended,
  - o sections 54, 55, 56 and/or 57 of Ontario Regulation 58/11, as amended, and/or
  - o sections 20 and/or 21 of Ontario Regulation 264/16, as amended (for conduct up to and including May 4, 2017);
- 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,
  - o sections 155 and/or 156 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4, as amended, and/or
  - o sections 20 and/or 21 of Ontario Regulation 264/16, 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 the following specified terms, conditions or limitations on the Member's certificate of registration, and in particular, requiring the Member to complete successfully, at her own expense and within twelve (12) months of the date of this Order the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass, or provide evidence satisfactory to the College that she has completed this Program with an unconditional pass within the 12 months prior to the date of this Order;
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of four (4) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training programs as specified in paragraph 2 above. The suspension shall commence on July 20, 2020 and continue without interruption until October 19, 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 July 20, 2021 and continue without interruption until August 19, 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; and
4. Costs to the College in the amount of \$10,000.00.

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

The Panel observed that the Member's actions put the public at risk by dispensing prescription drugs without valid authorization, failing to keep records, and falsifying records. She contravened the Ontario College of Pharmacists policy on Prescriptions – Out of Country despite being aware of

that policy. The Panel pointed out that the Member failed in her obligations as a pharmacist and a Designated Manager.

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.

### George Politis (OCP #68632)

At a hearing on July 27, 2020, a Panel of the Discipline Committee made findings of professional misconduct against George Politis in that he:

- Conducted MedsCheck At Home reviews that were not adequate, for multiple patients;
- Failed to properly document MedsCheck At Home reviews, for multiple patients;
- Submitted, or had staff submit, accounts or charges for services to the Ontario Drug Benefit program for MedsCheck At Home reviews that were non-compliant with the guidelines of the Ministry of Health and Long Term Care, including guidelines regarding timeliness of claims.

In particular, the Panel found that the Member:

- Failed to maintain a standard of practice of the profession;
- Failed to keep records as required respecting his patients;
- Engaged in conduct that, having regard to all the circumstances, would reasonably be regarded by members of the profession as dishonourable and unprofessional.

The Panel imposed an Order, as follows:

1. A reprimand;
2. That the Registrar be directed to impose the following conditions on the Member's certificate of registration:

- a. that, if the Member wishes to return to Part A of the register, the Member successfully complete, prior to the date the Member returns to Part A, a course with Gail E. Siskind Consulting Services, or another professional ethics consultant acceptable to the College, to be designed by the consultant, with the purpose of addressing the professional misconduct issues raised in this case; the following terms shall apply to the course:
    - i. the number of sessions shall be at the discretion of the consultant, but shall be a minimum of 2, and maximum 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. Successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the professional misconduct issues raised in this case;
    - 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 prior to the date the Member returns to Part A;
  - b. that, if the Member returns to Part A of the register, the Member be prohibited from acting as a Designated Manager for any pharmacy, for a period of nine (9) months, commencing on the date the Member returns to Part A;
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of 3 months. The suspension shall commence on July 28, 2020, and run until October 27, 2020, inclusive;

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

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

The Panel observed that pharmacists have an obligation to act in the best interest of the public, and the Member's actions put the public at risk. The Panel noted that there is an expectation that pharmacists perform due diligence while providing a MedsCheck for the patient. The Panel expressed its view that the Member's actions are even more reprehensible in that he was dealing with a vulnerable patient population and yet he conducted non-compliant medication reviews. The Panel noted that the Member failed in his role to provide other healthcare professionals with accurate documentation that would ensure a high quality continuum of care.

The Panel relayed its expectation that, as a pharmacist, whether in Part A or B of the register, the Member's actions always have the best interest of the public and patients as his priority, and that the Member will not appear before a discipline panel again in the future.

#### **Ashit Shihora (OCP #109452)**

At a hearing on August 4, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Ashit Shihora in that during the period March 8, 2018 to July 3, 2019, while his certificate of registration was suspended pursuant to an interim order of the Inquiries, Complaints and Reports Committee, he:

- Used the title "pharmacist" and/or held himself out as a person who is qualified to practice in Ontario as a pharmacist;
- Operated a pharmacy while it was not under the supervision of a pharmacist who was physically present;
- Was employed or worked in the pharmacy or otherwise engaged in the practice of pharmacy;
- Compounded, dispensed and/or sold a drug;

- Directed pharmacists and/or staff to bill the Ontario Drug Benefit Program for pharmaceutical opinions when he knew or ought to have known that they were not eligible for a professional services fee; and/or
- Managed and/or directed pharmacists and/or staff.

In particular, the Panel found that he:

- Contravened the *Pharmacy Act*, the *Drug and Pharmacies Regulation Act* R.S.O. 1990, c.H. 4, as amended, the *Regulated Health Professions Act*, 1991 S.O. 1991, c. 18, as amended, or the regulations under those Acts, and in particular,
  - o ss. 10.(1) and/or ss. 10.(2) of the *Pharmacy Act*;
  - o s. 143 and/or s.149 of the *Drug and Pharmacies Regulation Act*,
  - o s. 27 of the *Regulated Health Professions Act*, 1991, with respect; and/or
  - o s. 146 of the *Drug and Pharmacies Regulation Act*;
- Failed to comply with an interim order;
- Practiced the profession while his certificate of registration was suspended;
- 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 revoke Mr. Shihora's Certificate of Registration;
3. Costs to the College in the amount of \$12,000.

In its reprimand, the Panel noted that pharmacy is a self-regulated profession;

pharmacists have a responsibility to ensure that the public is adequately protected and to maintain the public's confidence in their ability to govern themselves.

The Panel observed that Mr. Shihora failed to maintain the responsibilities and obligations expected of him as a member of the profession. He failed in his professional and legal obligations, and he failed to adhere to the laws and regulations that govern the profession.

He engaged in conduct that reflects poorly on himself and the profession.

The Panel expressed its view that the revocation of Mr. Shihora's Certificate of Registration will serve to protect the public.

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

### **Hussain (Azouz) Al-Yasery (OCP #607011)**

At a hearing in writing held on August 13, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Hussain (Azouz) Al-Yasery with respect to the following incidents:

- He engaged in three assaults, each of which is an offence contrary to section 266 of the *Criminal Code*, and in the conduct and acts which form the basis of those criminal convictions;
- On or about October 10, 2018, he was found guilty of three counts of assault, each of which is an offence contrary to section 266 of the *Criminal Code*;
- He failed to report to the Registrar within 30 days the details of charges against him under the *Criminal Code*, as set out in informations sworn on or about July 16, 2017, September 8, 2017, September 21, 2017, and/or October 19, 2017, as required by *College By-Law No. 4*, Article 12.1.3.

In particular, the Panel found that the Member:

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

- Contravened a term, condition or limitation imposed on his certificate of registration, pursuant to section 5, paragraph (1)ii of *Ontario Regulation 202/94*;
- 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. That the Registrar is directed to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular: that he successfully complete, within six (6) months of the date that this Order becomes final, 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 issues raised in this matter, including personal conduct (in relation to the assaults) and the responsibilities of a regulated health professional (in relation to the failure to report the charges to the College as required).

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 one (1).
- 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 issues raised in this matter, including boundaries and the responsibilities of a regulated health professional.
- 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. That the Registrar suspend the Member's Certificate of Registration for a period of two (2) months, with one (1) month of the suspension to be remitted on condition that the Member complete the remedial training as specified in paragraph 2. The suspension shall commence on the date that this Order becomes final, and shall continue for one (1) month, inclusive. If the remitted portion of the suspension is required to be served by the Member because he fails to complete the remedial requirement specified in paragraph 2, that portion of the suspension shall commence on the date that is six (6) months from the date that this Order becomes final, and shall continue for one (1) month, 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 \$6,500.

In its reprimand, the Panel related that it was deeply troubled by the facts presented. The Panel noted that the Member's conduct is inexcusable and unacceptable in the eyes of both the public and the profession.

The Panel observed that the practice of Pharmacy is a privilege that carries significant obligations to the public, the profession, and oneself. The result of the Member's professional misconduct is that he has eroded the public trust in the pharmacy profession and cast a shadow over his suitability to practice as a pharmacist.

Members of the public and patients hold the pharmacy profession in high regard. As such, it is expected that pharmacists conduct themselves with the highest degree of professionalism and respect. The Panel observed that the Member failed to maintain the responsibilities and obligations expected of him as a member of this profession. He admitted to, and was found guilty of, three criminal offences. Most troubling, he caused harm to others.

The Panel 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. It is the Panel's expectation that the Member will not appear again before a panel of the Discipline Committee of the Ontario College of Pharmacists.

**Maged Ghobrial (OCP #613350)**

At a hearing on September 25, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Maged Ghobrial in that he:

- Submitted false or unsubstantiated claims for medications and/or health supplies not requested by and/or not dispensed to certain identified patients; and/or
- Created false records in relation to claiming for medications and/or health supplies not requested by and/or 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 and/or a person's health record;
- Signed or issued, in his professional capacity, a document that he knew and/or ought to have known contained a false or misleading statement;
- Submitted an account or charge for services and/or products that he knew and/or ought to have known was false or misleading;
- Charged a fee and/or amount that was excessive in relation to the service and/or product provided; and/or
- 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 the following specified terms, conditions or limitations on the Member's certificate of registration, and in particular,

- a. Requiring the Member to complete successfully, at his own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass, or to provide evidence satisfactory to the College that he has completed this program and any related evaluations within the (twelve) 12 month period prior to the date of this Order.
- b. Restricting the Member from being the Designated Manager at any pharmacy for a period of two (2) years from the date of this Order.
- c. Requiring the Member to complete a mentorship program within six (6) months of resuming responsibilities as a Designated Manager at any pharmacy, after the restriction in subparagraph (b) above has expired, with the Member to:
  - i. retain, at the Member's expense, a practice mentor acceptable to the College, within one (1) month of the date on which the Member advises the College that he intends to act as the Designated Manager of a pharmacy in Ontario;
  - ii. meet at least three (3) times with the practice mentor for the purpose of reviewing the Member's practice and identifying areas in the Member's practice as a Designated Manager that require remediation; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:
    1. a copy of the Notice of Hearing;
    2. a copy of the Agreed Statement of Facts;
    3. a copy of the Joint Submission on Order;
    4. a copy of the Decision and Reasons, when available; and/or
    5. a copy of the Order, if applicable and when available;
  - iii. develop a learning plan to address the areas requiring remediation;
  - iv. demonstrate to the practice mentor that the Member has achieved progress in meeting the goals established in the learning plan;

v. require the practice mentor to report the results of the mentorship meetings to the Manager, Conduct Operations, at the College, after their completion, which shall be no later than six (6) months from the date that the Member resumes the duties of the Designated Manager at any pharmacy.

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of five (5) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training program as specified in paragraph 2(a) above. The suspension shall commence on September 25, 2020 and continue without interruption until January 24, 2021, inclusive. If the remitted portion of the suspension has to be served because the Member fails to complete the remedial training program as specified in paragraph 2(a) above, the further suspension shall commence on September 25, 2021 and continue without interruption until October 24, 2021, inclusive, unless the time for completing the remedial steps in paragraph 2(a) above is extended by the Registrar, in which case, the date the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.

4. Costs to the College in the amount of \$10,000.00

In its reprimand, the Panel noted that Mr. Ghobrial is a member of the highly respected profession of Pharmacy. Integrity and trust are paramount to his profession, as he provides care to the public. In return, pharmacists are held in high regard for the role played in the provision of healthcare in Ontario.

This Panel expressed its extreme disappointment with Mr. Ghobrial's actions and his appearance before the Discipline Committee for the second time, the first appearance being nine months earlier in January 2020.

The Panel noted that it is a privilege and not a right to practice pharmacy. The Panel voiced its expectation that Mr. Ghobrial will learn from this process, that he will improve his practice of pharmacy, and that he will work hard to regain the trust he has lost through his misconduct.

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

### Ewa Polak (OCP #207848)

At a hearing on September 29, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Ewa Polak, in that she:

- Failed to exercise appropriate professional diligence with respect to the dispensing of narcotics, which resulted in her filling forged prescriptions purportedly written by Dr. [Name] without making appropriate inquiries;
- Failed to exercise appropriate professional diligence with respect to the dispensing of narcotics, which resulted in her filling prescriptions for Oxycodone CR 40 and 80mg in doses and/or quantities that were clinically questionable, without taking or documenting any steps to assess the propriety of the prescription.

In particular, the Panel found that Ms. Polak:

- Failed to maintain a standard of practice of the profession;
- Contravened the Act, *the Drug and Pharmacies Regulation Act*, the *Regulated Health Professions Act*, 1991, or the regulations under those Acts, and in particular, section 155 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4, as amended, and/or section 40 of O.Reg. 58/11, R.S.O. 1990, c.H.4;
- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular, section 31 of the *Narcotic Control Regulations*, C.R.C., c.1041, as amended, under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as 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 an ethics course with Dr. Erika Abner, or another professional ethics consultant chosen by the College, to be designed by the consultant, for the purpose of addressing the professional and ethical obligations arising in the Member's case, within 12 months of the date of this Order. The following terms shall apply to the course:
  - i. the number of sessions shall be at the discretion of the consultant, but shall be at least two meetings;
  - ii. the manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
  - iii. The Member shall be responsible for the cost of the course;
  - iv. the Member shall provide to the consultant, in advance of the course, a copy of the Agreed Statement of Facts tendered before the Panel in this hearing;
  - v. Successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the ethical issues raised in this matter regarding opioid dispensing;
  - vi. 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;
  - vii. 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 and the essay referred to above to the College within 12 months of the date of this Order.
- b. That the Member complete successfully, at her own expense, within twelve months of the date of this Order, the Safe and Effective Use of Opioids for Chronic Non-cancer Pain, offered by the Centre for Addiction and Mental Health.

- c. That the Member shall be prohibited, for a period of three years from the date of this Order, from acting as a Designated Manager or narcotic signer at any pharmacy.

3. That the Registrar is directed to suspend the Member's Certificate of Registration for a period of six months with one month of the suspension be remitted on condition that the Member complete the remedial training as specified in subparagraphs 2(a) and 2(b). The suspension shall commence on September 30, 2020 and shall continue until February 28, 2021, inclusive. If the remitted portion of the suspension is required to be served by the Member because she fails to complete the remedial training as specified in subparagraphs 2(a) and/or 2(b), that portion of the suspension shall commence on March 1, 2022, and shall continue until March 31, 2022, inclusive, unless the time for completing the remedial training in subparagraphs 2(a) and/or 2(b), 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 \$10,000.

In its reprimand, the Panel noted that Ms. Polak is a member of the highly respected profession of pharmacy. Practice standards require safe and secure management of narcotic and controlled substances. These practice standards are designed to prevent misuse, abuse, and diversion of the substances that are regulated due to their high potential for addiction.

The Panel acknowledged Ms. Polak's efforts in cooperating with the College throughout this process and in taking some initial steps towards improvements; however, the Panel observed that, as a Designated Manager, her actions lacked adherence to the standards of practice, and her failure to recognise red flags cannot be ignored. The Panel noted that, as the dispensing pharmacist, Ms. Polak's actions and failure to follow the College's guidelines regarding the identification of forgeries and fraudulent prescriptions are particularly alarming.

The Panel relayed its expectation that Ms. Polak will take the necessary steps to improve her practice standards to reduce the risk of these events reoccurring in the future, and expressed its trust that Ms. Polak will not return before a panel of the Discipline Committee again.

**Donghyun (Tony) Kim** (OCP #625722)

At a hearing on October 5, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Donghyun (Tony) Kim, in that he:

- Stole grocery merchandise from Sobeys in Oshawa, Ontario, on or about January 27, 2019, and/or on about January 28, 2019, and/or on or about January 30, 2019, and/or on or about January 31, 2019, and/or on about February 6, 2019.

In particular, the Panel found that he:

- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as dishonourable and unprofessional;
- Engaged in conduct that is unbecoming of a member.

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 the Member successfully complete, within six (6) months of the date of the order, a course with Dr. Erika Abner, or another professional ethics consultant chosen by the College, to be designed by the consultant, regarding the issues raised by the facts and findings of professional misconduct in this case, and the following terms shall apply to the course:
  - a. the number of sessions shall be at the discretion of the consultant, but shall be a minimum of two (2) and a maximum of three (3) meetings;
  - 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. the Member shall provide to the consultant the following documents, in advance of the course, to facilitate the design of the course:

- i. the Notice of Hearing;
- ii. the Agreed Statement of Facts;
- iii. this Joint Submission on Order; and
- iv. the Panel's Decision and Reasons, if and when available;

e. successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the issues raised in this matter; and

f. the Member will request a report from the consultant confirming that the Member has completed the course to the satisfaction of the consultant, and the Member will provide a copy of the report to the College within six (6) months of the date of this Order.

3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of one (1) month, to be fully remitted on condition the Member complete the remedial training program specified in paragraph 2, above. If the suspension has to be served, it shall commence within six (6) months of the date of the order and continue without interruption for 30 days, inclusive, unless the time for completing the remedial steps in paragraph 2, above, is extended by the Registrar, in which case, the date 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 pharmacy is a self-regulated profession. Pharmacists bear the responsibility of ensuring that the trust of members of the profession, and the public they serve, is maintained. The practice of pharmacy is a privilege, which carries with it significant obligations to the public, the profession, and oneself.

The Panel relayed its trust that this process will be a learning experience for Mr. Kim and cause him to reflect on his practice. The Panel expressed its expectation that Mr. Kim will never again appear before a panel of the discipline committee.

**Mourcos Shenouda (OCP #612220)**

At a hearing on October 7, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Mourcos Shenouda in that he billed for the weekly dispensing of medication in compliance aids to patients when he in fact dispensed in longer intervals to those patients, thereby charging a greater total dispensing fee than that to which he was entitled, and thereby maintaining inaccurate records of the dates on which drugs and/or products were dispensed, with respect to certain identified patients, from on or about June 27, 2017, to on or about July 4, 2019.

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;
- Falsified a record related 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;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members as dishonourable and unprofessional.

The Panel imposed an Order which included as follows:

1. A reprimand;
2. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of registration requiring that the Member successfully complete, within six (6) months of the date of the order, a course with either Gail Siskind, Dr. Erika Abner, or another professional ethics consultant chosen by the College, to be designed by the consultant, regarding the issues raised by the facts and findings of professional misconduct in this case, and the following terms shall apply to the course:
  - a. the number of sessions shall be at the discretion of the consultant, but shall be a minimum of two (2) and a maximum of three (3) meetings;
  - 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. the Member shall provide to the consultant the following documents, in advance of the course, to facilitate the design of the course:
    - i. the Notice of Hearing;
    - ii. the Agreed Statement of Facts;
    - iii. this Joint Submission on Order; and
    - iv. the Panel's Decision and Reasons, if and when available;
  - e. successful completion of the course will include completion of an essay, acceptable to the Registrar, addressing the issues raised in this matter; and the Member will request a report from the consultant confirming that the Member has completed the course to the satisfaction of the consultant, and the Member will provide a copy of the report to the College within six (6) months of the date of this Order.

3. Directing the Registrar suspend the Member's Certificate of Registration for a period of three (3) months, with one (1) month of the suspension to be remitted on condition that the Member completes the remedial training as specified in paragraph 2(a), above. The suspension shall commence on the date of this Order and shall continue 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 requirement specified in paragraph 2, that portion of the suspension shall commence on the date that is six (6) months from the date of this Order and shall continue for one (1) month, 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 \$10,000.

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

The Panel observed that, as a pharmacist, Mr. Shenouda is expected to meet his professional and ethical obligations. The Panel relayed that he failed in his responsibilities as a pharmacist and Designated Manager.

The Panel pointed out that it was Mr. Shenouda's responsibility to practice in accordance with the law, and to have policies and procedures in place that comply with the law. Just because certain procedures and practices were put in place by the previous owner does not mean they should not be questioned or corrected if required.

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

#### **Tiffany Czilli (OCP #606992)**

At a hearing on October 21, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Tiffany Czilli in that she:

- Submitted accounts or charges for services that she knew or reasonably ought to have known were false or misleading to the Ontario Drug Benefit program for MedsCheck reviews that 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 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 she:

- Failed to maintain a standard of practice of the profession;
- Falsified records relating to her practice;
- Signed or issued, in her professional capacity, a document that she knew contained a false or misleading statement;
- Submitted an account or charge for services that she knew was false or misleading statement;
- Contravened 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.

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. the Member must successfully complete with an unconditional pass, at her own expense and within eleven (11) months of the date that this Order becomes final, the ProBE Program offered by the Centre for Personalized Education for Physicians;
  - b. for a period of 3 years from the date that this Order becomes final, the Member is prohibited from:
    - i. acting as Designated Manager of any pharmacy; and
    - ii. having a 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 is permitted to own shares in a

publicly traded company that has an interest in a pharmacy, or in any other capacity.

3. Directing the Registrar to suspend the Member's Certificate for a period of twelve (12) months. The suspension will commence on October 21, 2020 and will run without interruption for eleven (11) months. If, by the end of the eleven months, the Member has completed the remedial training set out in paragraph 2(a) above, one (1) month of the suspension will be remitted. Otherwise, the Member will immediately serve the remaining month of the suspension.

4. Costs to the College in the amount of \$35,000.

In its reprimand, the Panel expressed its extreme disappointment in Ms. Czilli's behaviour as a pharmacist.

The Panel noted that pharmacists have an obligation to act in the best interest of the public, and that Ms. Czilli's actions put the public at risk. The Panel indicated that this conduct is even more reprehensible as Ms. Czilli was acting as a workplace monitor for a vulnerable healthcare professional. Her misconduct has had a detrimental impact on pharmacists' professional relationships with the public they serve.

The Panel related that the practice of pharmacy is a privilege, which carries with it significant obligations to the public, the profession, and oneself. The result of Ms. Czilli's misconduct has eroded the public trust in the pharmacy profession and cast a shadow over her own integrity.

The Panel expressed its hope that this hearing has given Ms. Czilli the opportunity to pause for reflection and move forward, practicing pharmacy within the standards of the profession, and its expectation that she will not appear before a discipline panel again in the future.

### **Thi Vuong** (OCP #90913)

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At a hearing on October 27, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Thi Vuong in that she:

- Dispensed and/or billed for drugs and/or products without a prescription authorized by a prescriber for one or more of certain identified drugs

and/or products from in or about January 2017 to in or about December 2017;

- Failed to keep records as required respecting her patients and/or practice with respect to one or more of certain identified drugs and/or products from in or about January 2017 to in or about December 2017;
- Falsified a record relating to her practice and/or a person's health record with respect to one or more of certain identified drugs and/or products from in or about January 2017 to in or about December 2017;
- Signed or issued, in her professional capacity, a document that she knew or ought to have known contained a false or misleading statement with respect to one or more of certain identified drugs and/or products from in or about January 2017 to in or about December 2017; and/or
- Submitted an account or charge for services that she knew or ought to have known was false or misleading with respect to one or more of certain identified drugs and/or products from in or about January 2017 to in or about December 2017.

In particular, the Panel found that she:

- Failed to maintain a standard of practice of the profession;
- Failed to keep records as required respecting her patients and/or practice;
- Falsified a record relating to her practice and/or a person's health record;
- Signed or issued, in her professional capacity, a document that she knew and/or ought to have known contained a false or misleading statement;
- Submitted an account or charge for services or products that she knew and/or ought to have known was false or misleading;
- 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 and Dispensing Fee Act* or the *Ontario Drug Benefit Act* or the regulations under those Acts, and in particular:

o sections 155, 163, and 166 of the *Drug and Pharmacies Regulation Act* and section 20 of *Ontario Regulation 264/16*;

- Contravened a federal, provincial or territorial law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, with respect to the distribution, purchase, sale, dispensing or prescribing of any drug or product, the administering of any substance, or the piercing of the dermis, whose purpose is to protect or promote the public health, and/or that is otherwise relevant to her suitability to practise, and in particular:

o sections 155, 163, and 166 of the *Drug and Pharmacies Regulation Act* and section 20 of *Ontario Regulation 264/16*;

- 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.

Ms. Vuong entered into an Acknowledgment and Undertaking, as part of the resolution of this matter, by which she agreed that she would permanently resign as a member of the College, and will no longer have, keep, or acquire any ownership interest in any pharmacy in Ontario, effective October 27, 2020.

The Panel imposed an Order which included as follows:

1. A reprimand;
2. Costs to the College in the amount of \$12,000.

In its reprimand, the Panel noted that pharmacy is a self-regulated profession. All members of the profession have a responsibility to ensure that the public, including entities of the public such as drug plans, is adequately protected.

The Panel observed that members of the public hold pharmacists in very high regard. As a pharmacist and as a pharmacy owner, Ms. Vuong failed in her professional obligation to conduct herself in a manner that is respectable, responsible, and which maintains public confidence.

The Panel expressed its view that, as a result of her misconduct, Ms. Vuong let down the public, the pharmacy profession, and also herself. The Panel

expressed its confidence that her decision to resign, and to not return to this profession, will ensure the public is protected.

The Panel noted that it is indeed unfortunate and disappointing that her lengthy career in this profession has come to a tainted end.

### **Abadir Nasr (OCP #218265)**

At a hearing on October 28, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Abadir Nasr in that:

- Between about January 9, 2013 and March 28, 2017, he failed to provide and/or update the Ontario College of Pharmacists with the name, address, telephone number and facsimile number of each person or business for or through which he engaged in the practice of pharmacy;
- Between about January 9, 2013 and March 28, 2017, he submitted annual renewal certificates and/or information to the College that were/ was inaccurate with respect to the name, address, telephone number and facsimile number of each person or business for or through which he engaged in the practice of pharmacy;
- Between about December 2014 and December 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 brand name medication when generic medication was dispensed, with respect to certain identified medication;
- Between about December 2014 and December 2016, he submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) charges for brand name medication when generic medication was dispensed, with respect to certain identified medication;
- Between about December 2014 and December 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 December 2014 and December 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 June 2015 and December 2016, he provided and/or purported to provide routine pharmaceutical care to family members including [family members], and/or including himself as patient;
- Between about June 2015 and December 2016, he signed certain identified prescription hardcopies as dispensing pharmacist, for ostensible prescriptions for family members including [family members], and/or including himself as patient, but that were not valid prescriptions;
- Between about June 2015 and December 2016, he created (or permitted, consented to or approved, expressly or impliedly, the creation of) false and/or misleading pharmacy records documenting the selling of certain identified prescription drugs and/or products and/or the processing of prescriptions when those prescriptions were not valid;
- Between about June 2015 and December 2016, he sold (or permitted, consented to or approved, expressly or impliedly, the sale of) certain identified prescription drugs and/or products without valid prescriptions;
- Between about June 2015 and December 2016, he submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) charges for certain identified prescription drugs and/or products without valid prescriptions.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Falsified a record relating to his practice;
- Signed or issued in his professional capacity a document that he knew contained a false or misleading statement;
- Submitted an account or charge for services that he knew was false or misleading;
- Contravened 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*, R.S.O. 1990, c. H.4;

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

o s. 15(1)(b) of the *Ontario Drug Benefit Act*, R.S.O. 1990, c. O.10;

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

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

The Panel imposed an Order which included as follows:

1. A reprimand;
2. That the Registrar is directed to impose specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular:
  - a. that the Member complete successfully, with an unconditional pass, at his own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics offered by the Center for Personalized Education for Professionals;
  - b. that the Member successfully complete, within eighteen (18) months of the order, a course with Gail Siskind, expert in ethical issues for regulated health care professionals, or other expert acceptable to the College, following his successful completion of the remediation identified in paragraph 2(a), above. The following terms apply to a course with Ms. Siskind:
    - i. The number of sessions shall be at the discretion of the consultant, but shall be no fewer than 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 be responsible for the cost of the course.
  - iv. The Member shall provide to Ms. Siskind, in advance of the course, his essay and any and all evaluations from the ProBE Program;
  - v. The Member shall require Ms. Siskind to report the results of the course to the College no later than eighteen (18) months from the date of this order;
- c. that the Member be prohibited
- i. from acting as a Designated Manager for any pharmacy;
  - ii. from 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/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. from receiving any remuneration for his/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;
- with such prohibitions to remain in effect for a minimum period of three (3) years from the date of this Order, and thereafter to remain in effect until removed by an Order of a panel of the Discipline Committee upon an application by the Member and upon the panel of the Discipline Committee being satisfied that it is appropriate that the prohibitions be removed;
3. That the Registrar suspend the Member's Certificate of Registration for a period of fourteen (14) months, with one (1) 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). The suspension shall

commence on October 28, 2020, and shall continue until November 27, 2021, 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 paragraphs 2(a) and/or 2(b), that portion of the suspension shall commence on November 28, 2021, and shall continue until December 27, 2021, inclusive. If the time for completing the remedial steps in paragraphs 2(a) and/or 2(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 \$60,000.

The reprimand in this matter remains outstanding.

#### **Nermin Iskandar (OCP #603693)**

At a hearing on October 28, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Nermin Iskandar with respect to the following incidents:

- Between about January 9, 2013 and March 28, 2017, she failed to actively and effectively participate in and/or monitor the day-to-day management of the Pharmacy, including, but not limited to drug procurement and inventory management, record keeping and documentation, billing, and staff and personnel management, and/or she failed to actively and effectively fulfill the duties and responsibilities of a Designated Manager;
- Between about January 9, 2013 and March 28, 2017, she operated (or permitted, consented to or approved, expressly or impliedly, the operation of) the Pharmacy when it was not managed by a pharmacist who was designated as the Designated Manager of the Pharmacy;
- Between about June 16, 2016 and March 28, 2017, she failed to ensure that her name, certificate of registration, or both were clearly and publicly displayed in the Pharmacy;
- On or about January 9, 2013, she signed an Acknowledgment/Change of Designated Manager form containing a false or misleading statement by indicating that "[Name]" did not continue to work at the Pharmacy;

- Between about December 2014 and December 2016, she created (or permitted, consented to or approved, expressly or impliedly, the creation of) false and/or misleading pharmacy records documenting the dispensing of brand name medication when generic medication was dispensed, with respect to certain identified medication;
- Between about December 2014 and December 2016, she submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) charges for brand name medication when generic medication was dispensed, with respect to certain identified medication;
- Between about December 2014 and December 2016, she 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 December 2014 and December 2016, she 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 June 2015 and December 2016, she permitted, consented to or approved, expressly or impliedly, the provision of routine pharmaceutical care to family members including herself and/or one or more of [family members] by [Name] as dispensing pharmacist;
- Between about June 2015 and December 2016, she permitted, consented to or approved, expressly or impliedly, the selling of certain identified prescription drugs and/or products without valid prescriptions;
- Between about June 2015 and December 2016, she created (or permitted, consented to or approved, expressly or impliedly, the creation of) false and/or misleading pharmacy records documenting the selling of certain identified prescription drugs and/or products and/or the processing of prescriptions when those prescriptions were not valid;
- Between about June 2015 and December 2016, she submitted (or permitted, consented to or approved, expressly or impliedly, the submission of) charges for certain identified prescription drugs and/or products without valid prescriptions.

In particular, the Panel found that she:

- Failed to maintain a standard of practice of the profession;
- Falsified a record relating to her practice;
- Signed or issued in her professional capacity a document that she knew contained a false or misleading statement;
- Submitted an account or charge for services that she knew was false or misleading;
- Contravened the *Pharmacy Act, 1991*, the *Drug and Pharmacies Regulation Act, 1991* or the regulations under those Acts, and in particular:
  - o s. 146(1) of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4;
  - o s. 146(3) of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4;
  - o s. 155 of the *Drug and Pharmacies Regulation Act*, R.S.O. 1990, c. H.4;
- Contravened a federal or provincial law or municipal by-law with respect to the distribution, sale or dispensing of any drug or mixture of drugs, and in particular:
  - o s. 15(1)(b) of the *Ontario Drug Benefit Act*, R.S.O. 1990, c. O.10;
  - o s. C.01.041 of the *Food and Drug Regulations*, C.R.C. 870, made under the *Food and Drugs Act*, R.S.C. 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 she was a director;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members of the profession as disgraceful, dishonourable and unprofessional.

The Panel imposed an Order, 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;
  - b. that the Member be prohibited, for a period of two years from the date of this Order, from acting as a Designated Manager for any pharmacy;
3. That the Registrar 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 condition that the Member complete the remedial training as specified in paragraph 2(a). The suspension shall commence on October 28, 2020, and shall continue until April 27, 2021, 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 November 1, 2021, and shall continue until November 30, 2021, 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 \$12,000.

The reprimand in this matter remains outstanding.

### **Shabuddin Syed** (OCP #614650)

At a hearing on November 10, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Shabbudin Syed, as dispensing pharmacist and/or Designated Manager at MobilRx in Lynden, Ontario ("the Pharmacy"), and/or as director and shareholder of the corporation that owns the Pharmacy, with respect to the following incidents, in or about January-February 2018:

- He dispensed less than the full quantity of the drug prescribed for the patients, [Patient 1 and Patient 2], without the consent of the patient or other authorization, notification to the prescriber and/or documentation of any valid reason for doing so, as required;
- He charged excessive dispensing fees for dispensing the drug prescribed for the patients, [Patient 1 and Patient 2], on a daily basis rather than the full quantity prescribed, without the consent of the patient or other authorization, notification to the prescriber and/or documentation of any valid reason for doing so.

In particular, the Panel found, with respect to each patient, that he:

- Failed to maintain the standard of practice of the profession;
- Failed to provide an appropriate level of supervision to a person whom he was professionally obligated to supervise;
- Charged a fee or amount that was excessive in relation to the service or product provided;
- 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,
  - o sections 5 and/or 6 of the *Ontario Drug Benefit Act*, R.S.O. 1990, c.O.10, as amended, and/or
  - o sections 18 and/or 27 of *Ontario Regulation 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 and unprofessional.

The Panel imposed an Order which included 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, and in particular;

- a. the Member shall successfully complete the College's Jurisprudence e-learning modules and examination, at his own expense and within six (6) months of the date of this Order;
- b. the Member shall complete a mentorship program within six (6) months of resuming responsibilities as a Designated Manager at any pharmacy, with the Member to:
  - i. retain, at the Member's expense, a practice mentor acceptable to the College, within one (1) month of the date on which the Member advises the College that he intends to act as the Designated Manager of a pharmacy in Ontario;
  - ii. meet at least three (3) times with the practice mentor for the purpose of reviewing the Member's practice and identifying areas in the Member's practice as a Designated Manager that require remediation; to this end, the Member shall provide the practice mentor with the following documents related to this proceeding:
    1. copies of the Notices of Hearing;
    2. a copy of the Agreed Statement of Facts;
    3. a copy of this Joint Submission on Order;
    4. a copy of the Decision and Reasons, when available; and/or
    5. a copy of the Order, if applicable and when available;
  - iii. develop a learning plan to address the areas requiring remediation;
  - iv. demonstrate to the practice mentor that the Member has achieved progress in meeting the goals established in the learning plan;
  - v. require the practice mentor to report the results of the mentorship meetings to the Manager, Conduct Operations, at the College, after their completion, which shall be no later than six (6) months from the date that the Member resumes the duties of the Designated

Manager at any pharmacy;

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 program specified in paragraph 2(a), above. The suspension shall commence on November 10, 2020 and continue without interruption until April 9, 2021, inclusive. If the remitted portion of the suspension has to be served, the further suspension shall commence on May 11, 2021 and continue without interruption until June 10, 2021, inclusive, unless the time for completing the remedial steps in paragraph 2(a), above, is extended by the Registrar, in which case, the date the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly;
4. Costs to the College in the amount of \$15,000.

In its reprimand, the Panel expressed its deep disappointed to see Mr. Syed before the Discipline Committee again. The Panel noted that practicing pharmacy in Ontario is a privilege and not a right; with this privilege comes a responsibility to abide by all of the pharmacy regulations and rules, not just the ones that Mr. Syed chooses to follow.

The Panel related that it was extremely concerned that Mr. Syed continued inappropriate conduct despite the fact that he made submissions to the College in January 2018 that he had rectified his practice. His actions demonstrated ongoing poor judgement and a blatant disregard for the regulatory requirements of a pharmacist in Ontario.

The Panel observed that this inappropriate conduct cannot continue, especially given that Mr. Syed provides pharmacy services to vulnerable communities and patients. The result of his misconduct is that he has let down the public and the pharmacy profession.

The Panel expressed its view that, moving forward, Mr. Syed will not jeopardize his opportunity to practice by presenting himself again in front of a panel of the Discipline Committee.

**Yong Lin (OCP #217337)**

At a hearing on November 23, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Yong Lin in that he:

- Conducted sterile compounding of atropine eye drops at a facility not accredited for that purpose;
- Kept products in the compounding area that were expired and/or not properly labelled;
- Failed to keep the compounding area in an acceptable state of cleanliness and organization.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Contravened sections 139 and 146 of the *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 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 an ethics course with Gail Siskind, or another professional ethics consultant chosen by the College, to be designed by the consultant, for the purpose of addressing the professional and ethical obligations arising in the Member's case, within 12 months of the date of this Order. The following terms shall apply to the course:
    - i. the number of sessions shall be at the discretion of the consultant,

but shall be at least two meetings;

- ii. the manner of attendance at the session(s) (e.g. in person, via Skype, etc.) is a matter to be discussed in advance between the Member and the consultant, but shall ultimately be at the discretion of the consultant;
- iii. the Member shall be responsible for the cost of the course;
- iv. the Member shall provide to the consultant, in advance of the course, a copy of the Agreed Statement of Facts tendered before the Panel in this hearing;
- v. 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;
- vi. 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;
- vii. the Member will request a report from the consultant confirming that the Member has successfully completed the course to the satisfaction of the consultant, and the Member will provide a copy of the report and the essay referred to above to the College 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 three months with one month of the suspension be remitted on condition that the Member complete the remedial training as specified in subparagraph 2(a). The suspension shall commence on November 23, 2020 and shall continue until January 22, 2021, 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 subparagraph 2(a), that portion of the suspension shall commence on January 23, 2022, and shall continue until February 22, 2022, inclusive, unless the time for completing the remedial training in subparagraph 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 \$8,000.

In its reprimand, the Panel expressed disappointment the events that brought Mr. Lin before them. The Panel noted that Mr. Lin is a member of the profession of pharmacy; integrity and trust are paramount to the profession in providing care to the public.

The Panel observed that the practice of pharmacy is a privilege, which carries with it significant obligations to the public, the profession, and oneself. The result of Mr. Lin's professional misconduct is that he put patients at risk and cast a shadow over his integrity. The Panel expressed its hope that this hearing has given Mr. Lin the opportunity to pause for reflection, particularly in the area of sterile compounding. The Panel pointed out that enhanced vigilance in sterile compounding is necessary to meet current standards, which are there to protect the public and ensure a high quality product.

The Panel relayed its expectation that, moving forward, Mr. Lin will use this opportunity to remediate and will not be present before a Panel of the Discipline Committee again.

#### **Kaushil Shah** (OCP #612689)

At a hearing on November 23, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Kaushil Shah, in that he:

- Sold by retail and/or dispensed prescription drugs to patients in the U.S. without a lawful and/or otherwise valid prescription;
- Contravened the OCP Policy on *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 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 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 the following specified terms, conditions or limitations on the Member's Certificate of Registration, and in particular,
  - a. requiring the Member to complete successfully, at his own expense and within twelve (12) months of the date of this Order, the ProBE Program on Professional/Problem Based Ethics for Healthcare Professionals, with an unconditional pass; and
  - b. restricting the Member from being the Designated Manager at any pharmacy until he has completed the ProBE Program as specified above.
3. Directing the Registrar to suspend the Member's Certificate of Registration for a period of four (4) months, with one (1) month of the suspension to be remitted on condition the Member complete the remedial training program as specified in paragraph 2(a) above. The suspension shall commence on November 26, 2020 and continue without interruption until February 25, 2021, inclusive. If the remitted portion of the suspension has to be served because the Member fails to complete the remedial training program as specified in paragraph 2(a) above, the further suspension shall commence on November 29, 2021 and continue without interruption until December 28, 2021, inclusive, unless the time for completing the remedial steps in paragraph 2(a) above is extended by the Registrar, in which case, the date the remitted portion of the suspension shall commence, if required, shall be adjusted accordingly.

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

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

The Panel observed that, through his actions, Mr. Shah failed in his obligations as a pharmacist and as a Designated Manager. The role of the Designated Manager is one of heavy responsibility. It includes the obligation to practise pharmacy at the highest standard, and to ensure that the pharmacy operates at the highest standard. The Panel expressed its view that, as the Designated Manager, Mr. Shah should have known that what he was doing was wrong.

The Panel pointed out that the suspension of Ms. Shah's Certificate of Registration is essential to protect the public and to deter him from engaging in this type conduct in the future. The remediation ordered today is intended to provide him with an opportunity for rehabilitation of his conduct in his pharmacy practice.

The Panel related that it does not expect to see Mr. Shah again before the Discipline Committee of the Ontario College of Pharmacists.

#### **Shaukatali Mangalji (OCP #65757)**

At a hearing on December 8, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Shaukatali Mangalji in that he:

- Failed to adequately supervise pharmacy assistants in the preparation of methadone and/or buprenorphine doses, and in doing so failed to comply with the National Association of Pharmacy and Regulatory Authorities Model Standards of Practice for Pharmacists;
- Improperly delegated responsibility for supervising the administration of methadone and/or buprenorphine doses to pharmacy assistants, and in doing so failed to comply with CAMH's *Opioid Agonist Maintenance Treatment: A Pharmacist's Guide to Methadone and Buprenorphine for Opioid Use Disorder*, and/or the Ontario College of Pharmacists' *Fact Sheet: Key Requirements for Methadone Dispensing* as required by the Ontario College of Pharmacists' Opioid Policy;

- Failed to adequately supervise pharmacy assistants [Person A] and/or [Person B] and/or [Person C] in the preparation of methadone doses for patients [Patient 1] and/or [Patient 2] and/or [Patient 3] and/or [Patient 4], from on or about January 3, 2019, to on or about May 30, 2019; and/or
- Signed the patient methadone logs of patients [Patient 1] and/or [Patient 2] and/or [Patient 3] and/or [Patient 4], indicating that he had observed the administration of their methadone doses when he had not, from on or about January 3, 2019, to on or about May 30, 2019, and/or he signed a daily dose log indicating he observed the administration of a buprenorphine dose for patient [Patient 5] on or about July 25, 2019, when he had not.

In particular, the Panel found that he:

- Failed to maintain standards of practice of the profession;
- Failed to provide an appropriate level of supervision to persons for whom he was professionally obligated to supervise;
- Falsified records 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;
- Engaged in conduct or performed acts that, having regard to all the circumstances, would reasonably be regarded by members of the profession as unprofessional and dishonourable.

The Panel imposed an Order, as follows:

1. A reprimand;
2. Directing the Registrar to impose specified terms, conditions or limitation on the Member's Certificate of Registration, and in particular:
  - a. That the Member shall complete successfully, at his own expense and with 12 months of the date of the Order:
    - i. The ProBE Program on Professional/Problem Based Ethics for

healthcare professionals, with an unconditional pass;

ii. The Ontario College of Pharmacists' Jurisprudence Exam;

iii. The CAMH Opioid Use Disorder Treatment (OUDT) Course;

iv. The Ontario College of Pharmacists' Online Designated Manager e-Learning module;

b. that the Member shall be prohibited from acting as a Designated Manager in any pharmacy, until such time as the Member has successfully completed all the remedial training as specified in paragraph 2(a), above

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 that the Member completes the remedial training as specified in paragraph 2(a), above. The suspension shall commence on the date of this Order and shall continue 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 requirements specified in paragraph 2(a), that portion of the suspension shall commence on the date that is twelve (12) months from the date of this order and continue without interruption for 30 days, 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.

In its reprimand, the Panel noted that Pharmacy is a self-regulated profession, the practice of which is a privilege, and which comes with significant obligations to the public, the profession, and oneself.

The Panel observed that pharmacists are trusted to act in the best interests of the public, and Mr. Mangalji's actions put the public at risk due to a lack of supervision of staff involved in the provision of opioid agonist therapy. The responsibility for dispensing methadone and buprenorphine safely is incumbent on the pharmacist and Mr. Mangalji failed in fulfilling that responsibility.

The Panel noted that Mr. Mangalji did not adhere to the profession's standards of practice, and that this is even more reprehensible in that he was serving a vulnerable patient population.

The Panel pointed out that despite the direction given by Practice Advisors, Mr. Mangalji continued to follow the same procedures that were singled out as unacceptable. He failed in his obligations as a pharmacist and as a Designated Manager by not following advice issued by his regulator and by not ensuring applicable standards of practice were adhered to.

The Panel expressed its expectation that, as a pharmacist, Mr. Mangalji will always have the best interest of the public and patients as his priority, and that he will not appear before a discipline panel again.

### **Murad Al Hasan (OCP #604660)**

At a hearing on December 14, 2020, a Panel of the Discipline Committee made findings of professional misconduct against Murad Al Hasan in that he:

- Transmitted false electronic claims to [Insurance Claims Adjudicator] in respect of a Pharmacy patient, [Patient], from on or about August 18, 2017, to on or about January 28, 2019.

In particular, the Panel found that he:

- Failed to maintain a standard of practice of the profession;
- Falsified a record related 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 a misleading or statement;
- Submitted an account or charge for services or products that he knew or ought to have known was false or misleading;
- Engaged in conduct or performed an act relevant to the practice of pharmacy that, having regard to all the circumstances, would reasonably be regarded by members 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 the Member successfully complete, at his own expense, the ProBe Program on Professional/Problem Based Ethics for healthcare professionals, with an unconditional pass, within twelve (12) months of December 14, 2020;
3. Directing 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 completes the remedial training as specified in paragraph 2, above. The suspension shall commence on the date of this Order and shall continue for three (3) 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 requirement specified in paragraph 2, that portion of the suspension shall commence on the date that is twelve (12) months from the date of this Order and shall continue for one (1) month, 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 \$10,000.

In its reprimand, the Panel noted that pharmacy is a self-regulated profession, the practice of which is a privilege, and which comes with significant obligations to the public, the profession and oneself. Through his actions, Mr. Al Hasan failed in his obligations as a pharmacist and as a Designated Manager. He breached the standards of practice of the profession, his ethical obligations, regulations, and pharmacy legislation.

The Panel pointed out that the role of the Designated Manager is one of heavy responsibility. It includes the obligation to practise pharmacy at the highest standard and to ensure that the pharmacy operates at the highest standard. Mr. Al-Hasan engaged in inappropriate conduct over a 17 month period. As the Designated Manager, he should have known that what he was doing was wrong.

The Panel related that the suspension of Mr. Al Hasan's Certificate of Registration is essential to protect the public and is to deter him from engaging in this type of conduct in the future. The remediation ordered is intended to provide him with an opportunity for rehabilitation of his conduct in his pharmacy practice.

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

### Member "Z"

A hearing into allegations made against Member "Z" was held on June 29, 2020, before a Panel of the Discipline Committee. It was alleged that Member "Z", while employed as a pharmacy assistant, during which time she was registered with the College as a pharmacy technician, committed professional misconduct in that she:

- failed to maintain professional boundaries when she developed and engaged in a non-professional, personal relationship with the patient, [Name], from in or about [Specified Date 1] to in or about [Specified Date 2].

In particular, it was alleged that she:

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

Following the hearing, in a decision delivered orally on June 29, 2020, the Panel made no findings against Member "Z" with respect to these allegations. The Panel found that the College did not establish, on a balance of probabilities, that Member "Z" engaged in the misconduct alleged, as she was working solely in the capacity of a pharmacy assistant at the relevant time.

