

The Complaints Authorization Committee (“CAC”) met to consider an allegation from a patient regarding two instances where she had received notice that claims had been processed through her health insurance for prescriptions filled at East End Pharmasave. The patient indicated that this had occurred without her knowledge or request.

Mr. Lloyd Bennett, registration number 81-427, the pharmacist-in-charge of East End Pharmasave was notified of this allegation and asked to respond.

The CAC decided that there were reasonable grounds to believe the respondent had engaged in conduct deserving of sanction and that the allegation be considered a complaint. The panel instructed the Secretary-Registrar to file the complaint against the respondent and refer it to a hearing of the disciplinary panel.

On further investigation it appeared that some of the prescriptions in question were filled by Mr. Gerald Whalen, registration number 65-228, and therefore a Notice of Allegation was forwarded to Mr. Whalen as well. Subsequent to a second CAC meeting, this complaint was also referred to the Discipline Panel.

Further investigation also determined that a prescription appeared to be refilled and dispensed without a valid prescription for these refills.

A hearing of an Adjudication Tribunal of the disciplinary panel was held to consider guilty and sanctions against Mr. Bennett and Mr. Whalen. The Tribunal found Mr. Bennett and Mr. Whalen guilty. At the hearing the tribunal was presented with a joint submission of proposed sanctions which had been agreed to by Mr. Bennett, Mr. Whalen and the Secretary-Registrar.

The tribunal accepted the proposed sanctions and ordered as follows:

- 1) A formal reprimand is to be entered on the files of Mr. Bennett and Mr. Whalen;
- 2) Any prescriptions which had been improperly charged to the patient’s account or billed to her insurer and which have not been repaid are to be reimbursed to the appropriate party, by the respondents or East End Pharmasave, immediately;
- 3) Both Mr. Bennett and Mr. Whalen must successfully complete the Board’s registration examination within 3 months of the Order of the Adjudication Tribunal;
- 4) There will be publication of a summary of the Decision and Order of the Adjudication Tribunal, on a named basis, in The Apothecary;
- 5) The costs of the investigation and hearing of the complaints will be paid on a 60/40% basis by Mr. Bennett and Mr. Whalen respectively (Mr. Bennett being the Pharmacist-in-Charge of East End Pharmasave), such costs to be paid within 60 days of the Order of the Adjudication Tribunal, or such further time as may be agreed by the Pharmacy Board.