

The Audit and Claims Integrity division of the Department of Health and Community Services alleged that following an audit of billings to the NLPDP by a Pharmacy in the province, a number of issues had been identified that may be of interest to the Board. Upon review by the Complaints Authorization Committee (“CAC”), the following Complaints were forwarded to the Disciplinary Panel:

Complaint #1: Expired Prescriptions Continuing to be Filled – Violation of sub-sections 37(1)(w), 13(11), 12(1)(a), (b)(iii), (xi) and 12(2) of the Pharmacy Regulations and section C.01.042(1) of the Food and Drug Regulations

Complaint #2: No Supporting Prescriptions on File for Prescriptions Filled – Violation of sub-section 37(1)(u), 13(12) and 12 (1)(a), (b)(iii), (xi), 12(2) of the Pharmacy Regulations, and section C.01.041(2) of Food and Drug Regulations

Complaint #3: Unauthorized Refills or Excess Quantities Being Filled or Refilled – Violation of sub-sections 37(1)(w) and 12(1) (a), (b)(iii), (xi), 12(2) of the Pharmacy Regulations and section C.01.042(1) of the Food and Drug Regulations

Complaint #4: Verbal Prescriptions that did not Document the Required Information – Violation of sub-section 37(1)(u), (w) and 12(1)(b)(xi), 12(2) of the Pharmacy Regulations, and section C.01.041(4) of the Food and Drug Regulations

At the hearing, the Pharmacist-in-Charge at the Pharmacy, presented the Adjudication Tribunal with an Agreed Statement of Facts and a Joint Submission acknowledging the violations and proposing disposition on the four complaints. Having considered the Agreed Statement of Facts and the Joint Submission, and other submissions made at the hearing, the Adjudication Tribunal accepted the guilty pleas entered by the Pharmacist-in-Charge in respect of Complaints 1, 2, 3 and 4 and the proposed disposition of the Complaint, and ordered:

- 1) Reprimands to be issued by the Board to the Pharmacist-in-Charge in respect of Complaints 1, 2, 3 and 4;
- 2) The Pharmacist-in-Charge will immediately implement practices satisfactory to the Board, and will provide a written policy and procedure document covering the issues raised in the Complaint, including those detailed in the Agreed Statement of Facts, satisfactory to the Board, by December 31, 2009, or such later date as may be agreed by the Secretary-Registrar;
- 3) Costs in the amount of \$10,000.00 to be paid by the Pharmacist-in-Charge; and
- 4) Publication of a summary of the Order of the Adjudication Tribunal, on a no-name basis, in The Apothecary.