

A hearing of an Adjudication Tribunal was held on April 27, 2012 to consider a Complaint made by the Chair of the Registration and Licensing Committee against a Pharmacist Registrant (“Respondent”) indicating that he had failed to meet the requirements of the *Standards of Pharmacy Practice on Continuing Professional Development*.

At the hearing, the Tribunal considered as evidence:

- The standard Notice of Professional Development Audit sent in January 2012. It was noted to the panel that in addition to being randomly selected for audit this year, the Respondent had also been audited in the previous year and, as a result of noncompliance, had been advised he would be audited again this year.
- A letter sent to the respondent in March 2011 indicating that an allegation had been sent to the Complaints Authorization Committee (“CAC”) due to the fact that required documentation to permit the auditing of his 2010 Professional Development Log had not been received. The panel was informed that, with respect to that complaint, the CAC had recommended to the Board that if the required documentation was not submitted by the deadline, the Respondent’s licence to practice be suspended until he complied with the requirements. The Respondent subsequently submitted the documentation in time and his licence was not suspended.
- A document prepared by board staff showing that the Respondent had indicated he was aware that the required documentation was due by February 17, 2012 and that he would comply.
- The March 13, 2012 Decision of the CAC directing that the complaint be sent to a hearing. Noting that this was the second year in a row that the Respondent was delinquent in submitting the required documentation, the CAC recommended that the Respondent’s licence to practice be suspended until he complied with the requirements. The recommendation of the CAC was accepted by the Board on March 16, 2012 and the Respondent’s licence to practice was suspended effective immediately.
- A letter from the Respondent, attached to his documentation submitted on March 23, 2012, indicating that the documentation was late because of “several miscommunication attempts”. It was also noted to the panel that the original notice of audit had been returned by Canada Post because an incorrect address had been provided by the Respondent. This was later resent to the Respondent at a corrected address.
- A letter sent to the Respondent on March 26, 2012 indicating that the submitted documentation had been reviewed and was found to be acceptable and that his licence to practice was reinstated.

The Secretary-Registrar further noted that there had been no request for an extension and no explanation for the respondent’s failure to provide the required documentation. The respondent also made no acknowledgement of the Notice of Hearing and had failed to attend the hearing.

Having considered the evidence before it, the Adjudication Tribunal found that the Respondent’s conduct in this matter demonstrated a blatant disregard for the requirements of the Continuing Professional Development audit process. The panel determined that the Respondent was guilty of conduct worthy of sanction as defined in section 35(c) subsections i), iii) and iv) of the *Pharmacy Act* and found to be in violation of sections 5(1),9(1),14(1) and 37(1)(w) of the *Pharmacy Regulations*.

As such, the tribunal ordered:

- 1) A formal reprimand be placed on the Respondent’s file with the Board, which shall be considered public information for a period of three years;

- 2) The Respondent must submit his complete Professional Development Portfolio semi-annually in 2012 - in June and December. Failure to comply will result in the filing of an allegation;
- 3) The Respondent will be automatically flagged for audit for the years 2012, 2013 and 2014;
- 4) The Order of the Adjudication Tribunal will be published in The Apothecary on an unnamed basis;
- 5) The Respondent shall pay the costs of the investigation and hearing, within six months of the Order of the Adjudication Tribunal, or as directed by the Board;
- 6) The Respondent is fined \$500.00, which shall be paid within 30 days of the Order of the Adjudication Tribunal.