

On May 29, 2012, a letter was received from a patient alleging that a pharmacist, Derrick Ryan, registration number 85-547, of Catalina Pharmacy, had billed and labelled their prescription for a brand name product, Plavix, on several occasions even though a generic form of the drug, clopidogrel, was dispensed.

On June 6, 2012, a panel of the Complaints Authorization Committee (“CAC”) met to consider the letter of allegation. The panel felt that there was insufficient information with which to make a decision and in accordance with section 39(1) (a) of the *Pharmacy Act*, the panel referred the allegation back to the Secretary-Registrar for further investigation.

On July 4, 2012, the panel of the CAC reconvened to consider a letter of response from Mr. Ryan as well as additional information gathered by the Deputy Registrar during the investigation. The CAC decided that there were reasonable grounds to believe that conduct deserving of sanction had occurred and, in accordance with section 39 (3) of the *Pharmacy Act*, directed that the allegation be considered as constituting a complaint and that it be referred to the Disciplinary Panel for a hearing.

On February 8, 2013, an Adjudication Tribunal of the Disciplinary Panel accepted a guilty plea and Joint Submission on Penalty from Mr. Ryan. In arriving at this decision, the Adjudication Tribunal considered an Agreed Statement of Facts and Admission Statement signed by Mr. Ryan. In this Admission Statement, Mr. Ryan admitted having, by his conduct, contravened provisions of the *Pharmacy Act*, various sections of the *Pharmacy Regulations* and the Code of Ethics. In the Agreed Statement of Facts, Mr. Ryan agreed that:

- he told the patient that the generic form had accidentally been given to him and that he had asked the patient to bring the drug back and he would refund his copay and reverse the billing to the third party payer;
- an inventory audit of the pharmacy’s purchases and sales for Plavix, Apo-clopidogrel, and Tevaclopidogrel, conducted by the Deputy Registrar for the period of January 1, 2012 to June 7, 2012, indicated a large discrepancy between the amount of Plavix purchased and dispensed;
- the large discrepancy of Plavix on the inventory audit could not be explained away as the result of an isolated incident;
- on a number of occasions, Mr. Ryan dispensed drugs that had not been prescribed for the patient, nor substitutable under the Interchangeable Drug Products Formulary;
- the Board investigation revealed that the prescriptions dispensed had been mislabelled, charges occurred for drugs that were not dispensed and the patient profile did not reflect accurate information.

The tribunal also considered the Joint Submission on Penalty before determining the appropriate sanctions. As such, the tribunal ordered that:

- 1) Mr. Ryan be fined an amount of \$5,000.00;
- 2) Mr. Ryan pay the costs incurred by the Board, in addition to the fine;
- 3) Mr. Ryan and Catalina Pharmacy be subject to a one year period of monitoring by the Office of the Registrar of the Board;
- 4) The decision of the tribunal be published on a named basis in The Apothecary.