

In the matter of a Complaint made by Catherine Perry against pharmacist Paul Gill, registration number 79-394 ("Respondent"), former Pharmacist-in-Charge at Downtown Pharmacy, 736 Water St., St. John's; a hearing of an Adjudication Tribunal of the Newfoundland and Labrador Pharmacy Board ("Board") was held on April 10, 2012.

At the hearing, the Adjudication Tribunal considered and accepted an Agreed Statement of Facts, an Admission Statement by Mr. Gill and a Joint Submission on Penalty, all of which had been agreed to by Mr. Gill and the Secretary-Registrar.

In the Agreed Statement of Facts it was agreed that between 2007 and 2010 the Respondent did not comply with his responsibilities as Pharmacist-in-Charge with regards to supervision of a pharmacist in his employment. During that period on a number of occasions the Respondent was made aware of allegations against a staff pharmacist at his pharmacy and neither did anything to address the problems or allegations nor brought this issue to the attention of the Board. The Respondent did not remove the pharmacist from her duties, but continued to allow her to practise, mostly unsupervised, at Downtown Pharmacy. Even following notification from the Board that allegations against that staff pharmacist were being investigated, the Respondent denied previous knowledge of the allegations and at no time took steps to ensure that public safety was protected in the practice of pharmacy at Downtown Pharmacy.

The allegations made against the staff pharmacist were of a nature that, if true, would place the public at risk and would suggest that the pharmacist in question should not be practising. The allegations also included suggestions of possible criminal activity on the part of the staff pharmacist. By failing to intervene he placed the public served by Downtown Pharmacy at risk, and he violated his responsibilities as Pharmacist-in-Charge.

In the Admission Statement the Respondent pleaded guilty to violating the following:

- Section 12.(1) of the *Pharmacy Act*;
- Subsection 12(1) and (2), 37(1) (b), (t), (z) and (bb) of the *Pharmacy Regulations*;
- Statement VI (1) and (2) of the Code of Ethics, which relate to the responsibilities of the Pharmacist-in-Charge, the definition of professional misconduct, and the requirement to preserve high professional standards.

The Adjudication Tribunal accepted the Respondent's guilty plea and the Joint Submission on Penalty and ordered that:

- 1) The Respondent's licence to practise pharmacy shall be suspended immediately for a period of five months. The Respondent is not permitted to work in any capacity as a pharmacist, pharmacist assistant, or pharmacy technician, or in any manner relating to the practice of pharmacy in any pharmacy, and shall not work in any capacity in the dispensary of Downtown Pharmacy or any other pharmacy, during the period of suspension.
- 2) The Respondent's licence shall be restricted so that he cannot be the Pharmacist-in-Charge of a Pharmacy for a period of five years from the date of the suspension of his ability to be Pharmacist-in-Charge on November 14, 2011;
- 3) The Respondent will participate in an interview satisfactory to the Secretary-Registrar of the Board to review the responsibilities of the Pharmacist-in-Charge before being permitted to become a Pharmacist-in-Charge;
- 4) The Respondent shall be subject to and co-operate fully with periodic inspections and audits by the Secretary-Registrar of the Board, or designate;
- 5) The Respondent will pay the costs as incurred by the Board of the investigation and hearing of the Complaint, as defined in the *Pharmacy Act*, such costs to be set at a maximum of

\$30,000.00.

- 6) Publication of the decision or order of the Adjudication Tribunal as required under section 44(3) of the *Pharmacy Act*, and publication in the *Apothecary* on a named basis;
- 7) The Respondent shall advise the Pharmacist-in-Charge of all pharmacies where he works/practises of the Order of the Adjudication Tribunal, for a period of five years from the date of the Order of the Adjudication Tribunal;
- 8) The Respondent shall advise the Secretary-Registrar in writing of every pharmacy where he practises, prior to commencing practice there, for a period of five years from the date of the Order of the Adjudication Tribunal.