

A continuation of an Adjudication Tribunal of the Discipline Panel of the Newfoundland and Labrador Pharmacy Board (“Board”) was held on February 18th and 19th, 2013 in the matter of an allegation made by the Department of Health and Community Services in December 2007 against Lloyd Bennett, registration number 81-427, pharmacist in charge at East End Pharmacy and J. Gerald Whalen, registration number 65-228, staff pharmacist at East End Pharmacy. The allegations arise from an Audit conducted in 2006 and 2007 for the Newfoundland and Labrador Prescription Drug Program (NLPDP).

The Adjudication Tribunal considered an Agreed Statement of Facts signed by Mr. Bennett, an Agreed Statement of Facts signed by Mr. Whalen, an Admission Statement signed by Mr. Bennett and an Admission Statement signed by Mr. Whalen.

The Admission Statements by Mr. Bennett and Mr. Whalen admitted having, by their conduct, contravened provisions of the *Pharmacy Act*, various sections of the *Pharmacy Regulations*, the Code of Ethics and the *Food and Drugs Act Regulations*. These documents can be found at [www.nlpb.ca](http://www.nlpb.ca) or by contacting the Board.

The Adjudication Tribunal accepted the Respondents’ guilty pleas and the Joint Submissions on Penalty.

With respect to Mr. Bennett, the Adjudication Tribunal ordered the following:

- 1) Mr. Bennett’s licence to practise pharmacy shall be suspended immediately for a period of 5 years. Mr. Bennett is not permitted to work in any capacity as a pharmacist, pharmacist assistant, 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 any pharmacy during the period of suspension.
- 2) Any reinstatement of the license of Mr. Bennett is conditional on his successful first attempt passing of Part II of the Pharmacy Examination Board of Canada (PEBC) Qualifying Examination, successful first attempt of rewriting the NLPB Registration Examination, successful completion of 5 months’ internship, and completion of 15 Continuing Education Units within the previous 12 months.
- 3) Mr. Bennett is to pay a portion of the costs incurred by the Board with respect to the investigation and hearing of the complaint, which are fixed at \$40,000.
- 4) 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.

With respect to Mr. Whalen, the Adjudication tribunal ordered the following:

- 1) Mr. Whalen’s license to practice pharmacy shall be suspended immediately for a period of 3 years. Mr. Whalen is not permitted to work in any capacity as a pharmacist, pharmacist assistant, 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 any pharmacy during the period of suspension.
- 2) Any reinstatement of the license of Mr. Whalen is conditional on his successful first attempt passing of Part II of the Pharmacy Examination Board of Canada (PEBC) Qualifying Examination, successful first attempt of rewriting the NLPB Registration Examination, successful completion of 5 months’ internship and completion of 15 Continuing Education Units within the previous 12 months.

- 3) Mr. Whalen is to pay a portion of the costs incurred by the Board with respect to the investigation and hearing of the complaint, which are fixed at \$20,000.
- 4) 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.