

**PROVINCE OF NOVA SCOTIA  
HALIFAX REGIONAL MUNICIPALITY**

**IN THE MATTER OF:** The *Pharmacy Act*, R.S.N.S. 2001, c.36 and Regulations made thereunder

- and -

**IN THE MATTER OF:** Ms. Tamala Fadelle, RPh. Pharmacist of [REDACTED] Pharmacy,  
[REDACTED], River Hebert, NS [REDACTED]

**SETTLEMENT AGREEMENT**

**WHEREAS** pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in Notices of Hearing dated January 13, 2009, alleging that Ms. Tamala Fadelle breached provisions of the *Pharmacy Act* and Regulations made thereunder, and conducted herself in a way in which a Hearing Committee properly constituted under the *Pharmacy Act* could conclude that her conduct amounted to professional misconduct.

**AND WHEREAS** the Nova Scotia College of Pharmacists and Ms. Fadelle believe that a Settlement Agreement is the proper method of disposing of this matter;

**AND WHEREAS** the Nova Scotia College of Pharmacists (NSCP) and Ms. Fadelle agree to the following statement of facts:

1. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, located at [REDACTED], River Hebert, Nova Scotia (the Pharmacy) and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct contrary to the *Pharmacy Act* and Regulations, in particular the *Pharmacy Act*, s. 24, in that:
  - i. You failed to address ongoing deficiencies on or before October 31<sup>st</sup>, 2007 as identified and directed for correction by the Investigation Committee including:
    - a. Failing and refusing to obtain a prescription balance for safe and proper compounding that satisfied the requirements for accuracy and sensitivity as set out in the Practice Regulations;
    - b. Failing to ensure the dispensary of the pharmacy had a reference library of current references relevant to medication compounding, dispensing and preparation of medication orders and patient-oriented references for the provisions of patient-oriented pharmacy services as described in the NSCP "*Professional Library Requirements for Community Pharmacies*";

- c. Failing and refusing to provide compliance packaging services in compliance with NSCP Council Guidelines *Compliance Packaging*, in that a record of the packages prepared, including the initials of the pharmacist that checked the accuracy of the package, was not maintained,
  - ii. That during an inspection dated June 17<sup>th</sup>, 2008, you continued to be non-compliant as set out in items 1(i) a, and c.
2. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, (the Pharmacy) and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations, in particular the *Pharmacy Act*, s. 24, in that:
  - i. It was discovered during a scheduled inspection dated October 31<sup>st</sup>, 2007 that:
    - a. You failed to stock the pharmacy with a sufficient quantity of child resistant containers to dispense safely to the public and satisfy the legislated requirement that such containers be used for all prescriptions except when expressly requested by the patient and noted by the pharmacist;
    - b. You failed to keep a record signed or initialled by the pharmacist of each prescription refilled;
    - c. You dispensed a controlled substance (Concerta) without the receipt of a valid prescription available for inspection.
    - d. Neither you or any other employee of the pharmacy wore a badge identifying the person as an employee of the pharmacy and their position, preventing members of the public from identifying the individual with whom they interact and their level of expertise. Once directed, you refused to comply with this requirement.
  - ii. That during an inspection dated June 17<sup>th</sup>, 2008, you continued to be non-compliant as set out in items 1(i) b, c, and d.
3. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, (the Pharmacy) and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations, in particular the *Pharmacy Act*, s. 24, in that:
  - i. pursuant to an unannounced visit to the pharmacy to assess its compliance with the legislation specific to the distribution of schedule II and III drugs on September 21<sup>st</sup>, 2007, you failed to comply with s. 22(1) and 22(4) of the *Pharmacy Act* and NSCP Council Guidelines - July 2004 - *Pharmacist Not Present: "Lock & Leave"* in that:

- a. The pharmacy was open at 9:20 am operating in a “lock and leave” manner without notification to the NSCP to that effect;
    - b. A front store staff member, who was not a pharmacist nor a member of the NSCP, accessed the contents of the dispensary when the pharmacist was not present;
    - c. A front store staff member, who was not a pharmacist nor a member of the NSCP, provided a Schedule III drug for sale when the pharmacist was not present.
  - ii. pursuant to an unannounced visit to the pharmacy to assess its compliance with the legislation specific to the distribution of schedule II and III drugs on October 24<sup>th</sup>, 2007.
    - a. the pharmacy was open, a client was in the store, a non-pharmacist staff member was working in the dispensary, but the pharmacist was not present;
    - b. the pharmacy staff member did not wear a badge identifying the person as an employee of the pharmacy and whether that person is a pharmacist, certified dispenser, registered student, intern or other employee;
    - c. the pharmacy staff member, who confirmed that they were not the pharmacist when asked, provided an exempted codeine product without any consultation with the pharmacist;
4. **THAT** while engaged in the practice of pharmacy at the [REDACTED] Pharmacy (the Pharmacy), and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you mislead an inspector in the lawful performance of duties or exercise of powers under the *Pharmacy Act*, the regulations or the by-laws, contrary to s. 34 (1) of the *Pharmacy Act*, in that:
- i. During the inspection of the pharmacy on April 2<sup>nd</sup>, 2006 you indicated to the inspector that a plumber would be installing a sink the following Monday. The sink was physically present in the dispensary but at that time not connected. An inspection dated June 23<sup>rd</sup>, 2006 identified that the sink had not been installed. Upon reiteration by the inspector that the legislation required a pharmacy to have a sink with hot and cold running water as criteria for accreditation, you again undertook to have the sink installed. During an inspection dated August 16<sup>th</sup>, 2006, it was confirmed that the sink was installed. During an unannounced inspection dated May 3<sup>rd</sup>, 2007 the sink was disconnected. You stated to the inspector that it was not needed.
  - ii. During an inspection dated April 2<sup>nd</sup>, 2006, a list of references required for compliance with the “Professional Library Requirements for Community Pharmacies” was identified. You articulated objection to the need and

appropriateness of these texts. In compliance with the requirement, you presented a list of texts ordered from Login Brothers during the subsequent June 23<sup>rd</sup>, 2006 inspection to demonstrate imminent compliance with the requirements. During an inspection dated August 2006, the books had not yet arrived. You explained to the inspector that they were expected soon. During the May 3<sup>rd</sup>, 2007 unannounced inspection, it was noted that these texts had not arrived. You reiterated your objections to the need and appropriateness of these texts, adding that it was a waste of money because you often threw away texts that had never been out of the cellophane.

- iii. During the inspection of the pharmacy June 17<sup>th</sup>, 2008, you declared to the inspector that you currently did not have any methadone patients, and that you had not had a methadone patient in some time. When further questioned as to why there was measured methadone powder in the inventory, you indicated that you were waiting for it to go out of date and then you would request authorization to destroy it. At the time of this statement, you were providing methadone to two patients. Based on your statement that you did not have methadone patients, the inspector did not assess the pharmacy's compliance with the NSCP *Guidelines for Pharmacist Providing Methadone Maintenance Therapy*, preventing the NSCP from ensuring that the pharmacy's process was safe and effective, and not putting the public at risk.
  - iv. During the inspection of the pharmacy June 17<sup>th</sup>, 2008, you declared to the inspector that you took your unusable and expired narcotic and controlled drugs to a pharmacy in Amherst for witnessed destruction by another health professional - pharmacist [redacted] <sup>the pharmacist</sup> has confirmed to the NSCP that he did not witness the destruction of such narcotics, neither at his pharmacy nor in River Hebert.
  - v. On August 27<sup>th</sup>, 2008, you requested that [redacted] <sup>[a physician]</sup> write a triplicate prescription for Endocet for one of his patients, [redacted], to cover Endocet that the pharmacy had dispensed February 8<sup>th</sup>, 2007 for this patient pursuant to a non-triplicate prescription written by a physician in New Brunswick. You requested that this prescription be backdated to the date the prescription was dispensed - February 8<sup>th</sup>, 2007.
5. **THAT** while engaged in the practice of pharmacy at the [redacted] Pharmacy (the Pharmacy) and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you have repeatedly articulated to NSCP inspectors, NSCP staff and pharmacy staff, including various comments made during inspections as well as comments included in your letter to the Investigation Committee September 20<sup>th</sup>, 2007, that you believe that the regulations which govern the practice of pharmacy in Nova Scotia do not necessarily apply to your practice and/or your pharmacy, and as such, have decided to be exempt from requirements you have deemed as irrelevant.

6. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy (the Pharmacy) and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations, in particular the *Pharmacy Act*, s. 24, as identified subsequent to the June 17<sup>th</sup>, 2008 inspection of the pharmacy, in that:
- a. you wrongly dispensed controlled substances as follows:
    - i. without the receipt of valid triplicate prescriptions for a straight narcotic, dispensed pursuant to a photocopy of a written prescription;
    - ii. pursuant to an order written by yourself for a straight narcotic, Tylenol with Codeine Elixir;
    - iii. pursuant to verbal orders, including prescriptions for narcotics for members of your family;
    - iv. pursuant to faxed orders;
    - v. as early refills;
    - vi. in excess of the quantity ordered;
    - vii. without submitting the prescription information to the Prescription Monitoring Program;
    - viii. before the date the prescriptions were written to be filled;
    - ix. in a manner suggesting that the prescriptions were entered into the computer a significant amount of time (i.e. months) after the prescription was written and backdated to the earlier date;
    - x. without recording the signature of the persons who accepted the dispensed monitored drugs;
    - xi. without maintaining a file of initialed and dated records of all fills dispensed pursuant to a prescription;
  - b. you failed to maintain proper records of controlled substances as follows:
    - i. invoices for controlled substances received were not entered into the narcotic and controlled drug register;

- ii. orders for prescriptions for October 19<sup>th</sup>, 2007 to February 12<sup>th</sup>, 2008 numbering 2203546 to 2203637 were not filed in sequence and were intermingled with the file of prescriptions dated February 12<sup>th</sup>, 2008 to June 17<sup>th</sup>, 2008;
  - iii. inventory of controlled substances could not be reconciled with the purchases and sales of those drugs;
  - iv. narcotics were destroyed (i.e. a bottle of 500 Ratio-Oxycocet) in the absence of receiving authorization or of it being witnessed by a health professional;
  - v. narcotics were destroyed, for which you had received authorization, but without it being witnessed by another health professional.
- c. You dispensed methadone to two patients as methadone maintenance therapy, but did not comply with the guidelines for dispensing methadone for methadone maintenance therapy, including:
- i. not maintaining the required documentation for the compounding, dispensing and administration of the methadone to the patient;
  - ii. not submitting the prescription information to the Prescription Monitoring Program, including all prescriptions for methadone written for your family member;
- d. You dispensed a prescription numbered 2203615 on January 16<sup>th</sup>, 2008 for methadone 1mg/mL for [REDACTED] directing "Give 11mL once daily" (as per the transaction record), while the dose ordered by the prescriber was 110ml once a day.

7. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy (the Pharmacy) and/or while engaged as pharmacy manager responsible for day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations, in particular the *Pharmacy Act*, s. 24, in that:

- 1. You requested on August 27, 2008, that [REDACTED] <sup>[a physician]</sup> write a triplicate prescription for Endocet for one of his patients, [REDACTED] to cover the Endocet that the pharmacy had dispensed February 8<sup>th</sup>, 2007. You requested that this prescription be backdated to the date the prescription was dispensed – February 8<sup>th</sup>, 2007.

Upon being informed by the secretary of [REDACTED] <sup>[the physician]</sup> that he would not be providing the inaccurate backdated document, you became annoyed and expressed your annoyance to the secretary of [REDACTED] <sup>the physician</sup>. Upon receiving the call from [REDACTED] <sup>[the physician]</sup> on this matter, you proceeded to communicate your displeasure with his decision in an inappropriate manner.

2. You wrote and faxed a message to Parole Officer [REDACTED] of Westmorland Institution, Dorchester, N.B., on July 9<sup>th</sup>, 2008. The faxed message was written and transmitted on River Hebert Pharmacy letterhead, and its content was inappropriate.

**Ms. Fadelle specifically acknowledges and agrees to all of the facts stated above.**

**AND WHEREAS** the Nova Scotia College of Pharmacists and Ms. Fadelle hereby agree to the following disposition, and to its completion within 90 days of the signing of this agreement unless otherwise specified:

1. There shall be publication in the President's Bulletin, with reference to name, of an article or information relating to the details and resolution of the matter.
2. A letter of reprimand shall be placed on the file of Tamala Fadelle.
3. The license of Ms. Fadelle to practice pharmacy in Nova Scotia shall be suspended for a period of 2 weeks.
4. A pharmacist, named by the Nova Scotia College of Pharmacy, shall attend the [REDACTED] pharmacy to monitor Ms. Tammy Fadelle on the following basis:
  - (A) The pharmacist shall be a mentor providing guidance and direction. The pharmacist shall not dispense or perform other duties normally performed by a staff pharmacist. It is the intention of the parties that the mentor provide guidance and direction to improve the practice of pharmacy and process of dispensing at River Hebert Pharmacy.
  - (B) Ms. Fadelle recognizes that her full cooperation is required. Ms. Fadelle, shall at all times, conduct herself collegially and professionally and in an appropriate manner.
  - (C) Ms. Fadelle recognizes and accepts that the pharmacist is attending at the [REDACTED] Pharmacy because of shortcomings in Ms. Fadelle's practice and process. Ms. Fadelle must be open and accepting to the mentorship, guidance, direction, comments and suggestions provided by the pharmacist.
  - (D) Ms. Fadelle shall not conduct herself in any manner which disparages the Nova Scotia College of Pharmacists, the pharmacist appointed by the College, or any other person associated with the regulation and enforcement of the *Pharmacy Act*.
  - (E) The pharmacist appointed by the College shall attend at the [REDACTED] Pharmacy once every 7 days for the 30 days immediately following the acceptance of this agreement and once every 30 days for the year following the acceptance of this agreement. The time limits in this paragraph do not include any period of time in

which the [REDACTED] Pharmacy is closed or Ms. Fadelle is suspended or otherwise prohibited from practicing pharmacy.

- (F) the costs of the pharmacist appointed by the College shall be borne by Ms. Fadelle. The costs shall include payment of \$50.00 per hour for every hour spent by the pharmacist at the [REDACTED] Pharmacy including travel time to and from the River Hebert Pharmacy plus \$0.50 per kilometer plus any meals and accommodations required.
  - (G) Ms. Fadelle shall make available the Records of Purchase, Records of Sales, information related to compliance with the Provincial Monitoring Program, Reconciliation of Narcotics and Controlled Substances Inventory and any other report or information requested by the pharmacist.
  - (H) The pharmacist appointed by the Nova Scotia College of Pharmacists shall promptly and immediately report any concerns as a result of undertaking her duties at the [REDACTED] Pharmacy.
  - (I) If, at any time during the appointment of the pharmacist, the conduct of Ms. Fadelle is such that the pharmacist cannot reasonably attend the [REDACTED] Pharmacy, a complaint shall be filed with the College of Pharmacy and processed under the *Pharmacy Act*.
5. Ms. Fadelle shall enroll in, undertake, and successfully complete, within 12 months of the signing of this agreement, the following education and evaluation:
- the NSCP jurisprudence exam
  - a self-directed study on the provisions of Methadone Maintenance Programs, including reading the Centre for Addiction and Mental Health (CAMH) publication *Methadone Maintenance: A Pharmacist's Guide to Treatment*, and the NSCP document *Methadone: Guidelines for the Pharmacist providing Methadone Maintenance Therapy*.
  - Dalhousie University's College of Pharmacy's Professionalism and Ethics course, or a reasonably similar course of study, approved by The Registrar of the College of Pharmacists.
6. [REDACTED] pharmacy, or any pharmacy which Tamala Fadelle owns or is an end owner or director, will undergo two unannounced, random NSCP inspections in the year immediately following the acceptance of the agreement and four unannounced random NSCP inspections in the second year immediately following the acceptance of this agreement. The costs of these inspections shall be paid by Ms. Fadelle.
7. All deficiencies noted in the Statement of Facts of this disposition shall be corrected within three months of the signing of this agreement.

8. Ms. Fadelle shall pay a fine of \$3000.00 to the NSCP.
9. Ms. Fadelle shall pay the full costs of the accountability process of this matter, including the investigation and hearing, in an amount not to exceed \$36,000. The amount, up to \$36,000. shall be paid over a three year period. Ms. Fadelle shall remit \$1,000. per month each and every month over the three year period until the full amount is paid.

**AND WHEREAS** the Investigation Committee of the Nova Scotia College of Pharmacists and Ms. Tamala Fadelle agree that this Settlement Agreement shall be put to a Hearing Committee of the Nova Scotia College of Pharmacists for its review.

**DATED** at Halifax, Nova Scotia, this 2<sup>nd</sup> day of March, 2009.

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**Susan Wedlake**, Registrar, NSCP

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**Tamala Fadelle**


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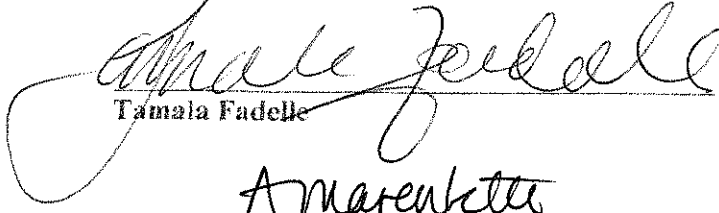
**Anne Marentette**, Chair, Investigation Committee

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9. Ms. Fadelle shall pay the full costs of the accountability process of this matter, including the investigation and hearing, in an amount not to exceed \$36,000. The amount, up to \$36,000, shall be paid over a three year period. Ms. Fadelle shall remit \$1,000. per month each and every month over the three year period until the full amount is paid.

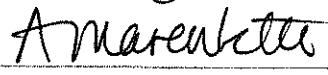
**AND WHEREAS** the Investigation Committee of the Nova Scotia College of Pharmacists and Ms. Tamala Fadelle agree that this Settlement Agreement shall be put to a Hearing Committee of the Nova Scotia College of Pharmacists for its review.

**DATED** at Halifax, Nova Scotia, this 2<sup>nd</sup> day of March, 2009.

  
Susan Wedlake, Registrar, NSCP

  
Tamala Fadelle

13 March/09

  
Anne Marentette, Chair, Investigation Committee