

NOVA SCOTIAL COLLEGE OF PHARMACISTS

DECISION OF THE HEARING COMMITTEE

In the Matter of: Recommendation of Investigation Committee for Settlement Agreement  
between the Nova Scotia College of Pharmacists and Mr. Glen Levy

The Hearing Committee met August 21st, 2013 to consider the proposed Settlement Agreement  
being recommended for acceptance by the Investigation Committee regarding Mr. Glen Levy.

After a careful review of all of the information from Counsel for both the Nova Scotia College of  
Pharmacists and the Member including relevant precedents; and

After considering further clarification received from Counsel regarding the Settlement  
Agreement being separate and apart from the ongoing assessment of Glen Levy's fitness to  
practice due to addiction related issues, the Hearing Committee concluded that it is satisfied  
that it is in the best interest of the public to accept the Investigation  
Committee's recommendation and proceed with the Settlement Agreement as proposed.

The Hearing Committee, in accepting the recommendation, incorporates the Settlement  
Agreement as attached to this decision.

August 21<sup>st</sup>, 2013

John Burgess, Chair



On behalf of Hearing Committee Members:

John Burgess

Harriet Davies

Edith Menzies

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:       Mr. Glenn H. Levy, Pharmacist, [REDACTED] Parsboro,  
                                  NS, [REDACTED]

SETTLEMENT AGREEMENT

WHEREAS pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in a Registrar's complaints dated September 15<sup>th</sup>, 2011 and August 20<sup>th</sup> 2012, alleging that Mr. Glenn H. Levy ("Mr. Levy") breached provisions of the *Pharmacy Act* and Regulations made thereunder, and conducted himself in a way in which a Hearing Committee properly constituted under the *Pharmacy Act* may conclude that his conduct amounted to professional misconduct,

AND WHEREAS the Nova Scotia College of Pharmacists and Mr. Levy believe that a Settlement Agreement is the proper method of disposing of this matter,

AND WHEREAS the Nova Scotia College of Pharmacists and Mr. Levy agree to the following statement of facts:

1. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, located at [REDACTED], Amherst, Nova Scotia (the Pharmacy) and/or while engaged as a pharmacy manager responsible for the day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and its regulations:
  - (a) You acted unlawfully and without integrity in that you removed Schedule F drugs and drugs scheduled under the Controlled Drugs and Substances Act (CDSA), including narcotics and benzodiazepines, from the pharmacy inventory, for personal use, without a valid prescription. These actions constitute a breach of the *Controlled Drug and Substances Act* (CDSA) and its regulations; *The Food & Drug Act* and its regulations; and are contrary to the *Pharmacy Act* and its regulations; and the *Code of Ethics*:
    - (i) You took narcotics, including morphine tablets, morphine injectable, Hydromorph Contin® capsules and Concerta® without authorization;
    - (ii) You tampered with narcotics to render them unusable, so that they would be removed from inventory. You then took the narcotics for your personal use.



(iii) You took Hydromorph Contin® by replacing the beads of returned, outdated or unusable Hydromorph Contin® 30mg with beads from another non-narcotic drug (Prevacid®).

(iv) You dissolved Hydromorph Contin® beads, which you obtained without authorization, into an aqueous solution and self-injected the dissolved narcotic while at work.

(v) You took Alprazolam, a benzodiazepine, from inventory for personal use and adjusted inventory to conceal your actions.

(vi) You took Schedule F drugs and benzodiazepines, including Lorazepam and Alprazolam, for use for yourself and your immediate family members, without a valid prescription or the authority to do so.

2. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, located at [REDACTED] [REDACTED], Amherst, Nova Scotia (the Pharmacy) and/or while engaged as a pharmacy manager responsible for the day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and its regulations:

(a) You acted unlawfully, without honesty or integrity, in that you altered narcotic medications which were dispensed to patients. The patients then received a narcotic whose effectiveness and quality had been compromised. These actions constitute a breach of the *Controlled Drug and Substances Act* (CDSA); are contrary to the *Pharmacy Act* and its regulations, and the *Standards of Practice* and the *Code of Ethics*:


(i) You removed beads of HydromorphContin® capsules of 6mg, 12mg and 30mg from patients' prescriptions resulting in them being provided with a drug of less effectiveness and quality than labelled.

3. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, located at [REDACTED] [REDACTED], Amherst, Nova Scotia (the Pharmacy) and/or while engaged as a pharmacy manager responsible for the day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and its regulations:

(a) You acted unlawfully and without honesty or integrity in that you mislead an inspector of the Nova Scotia College of Pharmacists ("NSCP") by providing a false report regarding your usage of alcohol and benzodiazepines. This is a breach of Section 34 of the *Pharmacy Act* and constitutes professional misconduct as set out in Section 17.2(b) of the *Qualification and Professional Accountability Regulations*:

(i) You falsely reported to the NSCP that you were not drinking alcohol at work. You later admitted that you were drinking alcohol at or immediately before work as a pharmacist.

(ii) You falsely reported to the NSCP that the only benzodiazepine you were taking from inventory was Alprazolam. You later admitted that between 2009 and 2010 you removed and used, without authorization, both Lorazepam and Alprazolam daily.



4. **THAT** while engaged in the practice of pharmacy at [REDACTED] Pharmacy, located at [REDACTED] Street, Amherst, Nova Scotia (the Pharmacy) and/or while engaged as a pharmacy manager responsible for the day-to-day management of the Pharmacy, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and its regulations, specifically Section 17.2(b) of the Qualification and Professional Accountability Regulations, *Standards of Practice* and the *Code of Ethics*:

(i) You falsified employment related documents to your employer to conceal your substance abuse.

(ii) You falsified billing documents to Pharmacare.

(iii) You acted as a pharmacist while the ability to perform any action required of a pharmacist was impaired by alcohol or a drug.

**Mr. Glenn H. Levy specifically acknowledges and agrees to all of the facts stated above.**

The Nova Scotia College of Pharmacists and Mr. Levy hereby agree to the following disposition, and settlement of this matter:

1. Mr. Levy acknowledges and agrees that his conduct noted above amounts to professional misconduct and conduct unbecoming, contrary to the *Pharmacy Act* and regulations.
2. A letter of reprimand in the form attached shall be placed on the file of Glenn H. Levy.
3. The license of Mr. Levy to practice pharmacy in Nova Scotia shall be suspended for a period of 24 months. The period of suspension shall run from January 5<sup>th</sup>, 2011 to January 4<sup>th</sup>, 2013. It is recognized by Mr. Levy that this suspension is separate and apart from the ongoing assessment of his fitness to practice due to addiction related issues.
4. Mr. Levy shall pay a fine in the amount of \$5,000.00 to the NSCP on or before seven days prior to the issuance of any license by the NSCP to Mr. Levy.
5. Mr. Levy shall pay a portion of the College's costs for this matter, fixed at the amount of \$10,000.00. The \$10,000.00 in costs shall be payable in the 24 months immediately following the issuance of a license to practice pharmacy by the NSCP to Mr. Levy in the amount of \$416.66 per month, payable on the last day of each month.
6. Mr. Levy hereby consents to judgment in the full amount of the \$5,000.00 fine and the \$10,000.00 costs. The Consent to Judgment is attached. The Consent to Judgment shall be held in escrow and shall only be filed and executed on the earliest of:
  - a. Mr. Levy no longer actively seeks license to practice pharmacy in Nova Scotia and the amounts in the Settlement Agreement are unpaid, or
  - b. Mr. Levy is licensed in Nova Scotia and the amounts in the Settlement Agreement are unpaid.




- c. Payments are not being made pursuant to this Settlement Agreement on or before June 1, 2015.
7. Mr. Levy hereby consents and agrees that notice of this settlement agreement shall be provided to Mr. Levy's employer and pharmacy managers for a period of five years from the effective date of his resumption of practice as a licensed pharmacist.
  8. Mr. Levy hereby consents and agrees that the College may communicate with Mr. Levy's present pharmacy manager, and any future employers or pharmacy managers for a period of five years from the effective date of his resumption of practice as a licensed pharmacist, regarding his fitness to practice.
  9. For a period of five years from the effective date of his resumption of practice as a licensed pharmacist, Mr. Levy shall notify the Registrar of the College of the name of his Primary Care Providers, including those providing medical, dentistry, nurse practitioner, and pharmacy care. Mr. Levy hereby consents that these Primary Care Providers may communicate with the College regarding his fitness to practice.
  10. Mr. Levy hereby consents to only receiving prescriptions drugs scheduled under the Controlled Drugs and Substances Act (CDSA), including narcotics and benzodiazepines if they are prescribed for him by his Primary Care Provider(s), or someone referred to provide care for Mr. Levy by his Primary Care Provider(s) and with the full knowledge of the Primary Care Provider(s) save and except, Mr. Levy may receive a prescription for narcotics in an emergency situation. For clarity, emergency situation would be of the nature of a serious car accident or life threatening event.
  11. Within 5 days of Mr. Levy receiving any authorized prescriptions for drugs scheduled under the Controlled Drugs and Substances Act (CDSA), including narcotics and benzodiazepines consistent with Article 10, Mr. Levy shall notify the NSCP of any narcotics or benzodiazepines prescribed to him. It is expressly agreed that the notification requirement set out in this Article 11 shall continue for as long as Mr. Levy has a license to practice pharmacy in Nova Scotia.
  12. Other than as authorized by Article 10, it is expressly agreed by Mr. Levy that he shall abstain from and not use any drugs scheduled under the Controlled Drugs and Substances Act (CDSA), including narcotics and benzodiazepines in any manner whatsoever.
  13. There shall be publication with name, of the facts and details of this Settlement Agreement in accordance with Qualification and Professional Accountability Regulations.
  14. If Mr. Levy is determined to be fit for practice, and returns to practice as a pharmacist licensed to practice in Nova Scotia, the following conditions shall be placed on Mr. Levy's licence from the effective date of his resumption of practise as a licensed pharmacist:
    - a. Mr. Levy shall not hold the position of pharmacy manager at any pharmacy.
    - b. Mr. Levy shall not work alone in the dispensary of a pharmacy for a period of five years from the effective date of his resumption of practice as a licensed pharmacist.
    - c. Mr. Levy shall not order or receive Controlled Drug from any source, including, Mr. Levy shall not obtain controlled drugs or narcotics from another pharmacy. Mr. Levy shall make a written request to the Federal Minister of Health or his Delegate to send a

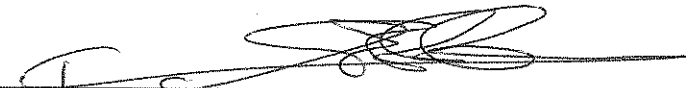
notice to all licensed dealers, all pharmacies in Nova Scotia in which Mr. Levy is registered and practicing, and the Nova Scotia College of Pharmacists, advising them that they must not sell or provide to Mr. Levy any drugs scheduled under the Controlled Drugs and Substances Act (CDSA), including narcotics and benzodiazepines, including a verbal prescription narcotic or a preparation mentioned in Section 36 of the Narcotic Control Regulations.


- d. The pharmacy manager where Mr. Levy practices shall report all discrepancies identified in the monthly narcotic reconciliation records of the pharmacy to the NSCP for a period of five years from the effective date of his resumption of practice as a licensed pharmacist.
  - e. The pharmacy manager where Mr. Levy practices shall report monthly to the NSCP regarding the practice of Mr. Levy for a period of five years from the effective date of his resumption of practice as a licensed pharmacist.
  - f. There shall be three (3) inspections performed at any pharmacy in which Mr. Levy is practicing within 24 months from the effective date of his resumption of practice as a licensed pharmacist. The cost of the three (3) inspections shall be borne in full by Mr. Levy.
15. Within 12 months of the date of this Settlement Agreement, Mr. Levy shall enroll in, undertake, and successfully complete Mount Saint Vincent University's Business Ethics Course, BUSI 2250, or a reasonably similar course of study approved by the Registrar of the NSCP.
16. It is recognized by Mr. Levy that this Settlement Agreement is separate and apart from the ongoing assessment of his fitness to practice due to addiction related issues.

The Investigation Committee of the Nova Scotia College of Pharmacists and Mr. Glenn H. Levy 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 24<sup>th</sup> day of July, 2013.

  
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Susan Wedlake, Registrar, NSCP

  
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Glenn H. Levy

  
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Leslie Reid, Chair, Investigation Committee