

NOVA SCOTIA COLLEGE OF PHARMACISTS

DECISION OF THE HEARING COMMITTEE

In the matter of: Recommendation of the Investigation Committee for acceptance of the Settlement Agreement between the Nova Scotia College of Pharmacists and Ms. Sandra Penny

The Hearing Committee met on June 5, 2014 to consider the proposed Settlement Agreement being recommended for acceptance by the Investigation Committee regarding Ms. Sandra Penny.

After careful review of all of the information from the Nova Scotia College of Pharmacists received by email sent May 26, 2014 including the proposed Settlement Agreement and relevant precedents, and further communication received by email May 29, 2014;

The Hearing Committee after careful review, has decided to accept the recommendation of the Investigation Committee with regard to the Settlement Agreement between the Nova Scotia College of Pharmacists and Ms. Sandra Penny.

June 5, 2014

Harriet Davies, Chair

A handwritten signature in cursive script that reads "Harriet Davies".

On behalf of Hearing Committee Members:

John Burgess

Edith Menzies

Harriet Davies

**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. Sandra Penny, Pharmacist, [REDACTED] Kingston, NS, [REDACTED]

**SETTLEMENT AGREEMENT**

**WHEREAS** pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in a Registrar's complaint dated September 13<sup>th</sup>, 2012 alleging that Ms. Sandra Penny breached provisions of the *Pharmacy Act* and Regulations made there under, 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. Penny believe that a Settlement Agreement is the proper method of disposing of this matter,

**AND WHEREAS** the Nova Scotia College of Pharmacists and Ms. Penny agree to the following statement of facts:

1. **THAT** while engaged in the practice of pharmacy as a pharmacist at [REDACTED] Pharmasave, [REDACTED], Middleton, NS and [REDACTED], [REDACTED], NS, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations, in that:
  - (a) You acted unethically in that you practiced pharmacy while your ability to do so was impaired by the use of alcohol contrary to Value VI of the *Code of Ethics*. This constitutes professional misconduct as set out in Section 17 2(b) of the *Qualification and Professional Accountability Regulations*.
  - (b) During the period of January 2010 to January 2012, you consumed alcohol immediately before work and while at work as a pharmacist.
  - (c) While being interviewed by the forensic psychiatrist appointed by the NSCP, you confirmed that you consumed alcohol while at work as a pharmacist in January 2012.

- (d) The consumption of alcohol immediately before work and during work as a pharmacist impaired your ability to practice pharmacy.

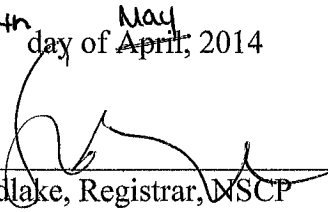
**Ms. Penny specifically acknowledges and agrees to all of the facts stated above.**

The Nova Scotia College of Pharmacists and Ms. Penny hereby agree to the following disposition and settlement of this matter:


1. Ms. Penny acknowledges and agrees that her 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 Ms. Sandra Penny.
3. The licence of Ms. Penny to practise pharmacy in Nova Scotia shall be suspended for a period of 6 months. The period of suspension shall run from January 1<sup>st</sup>, 2013 to June 30<sup>th</sup>, 2013.
4. Ms. Penny shall pay a fine of \$2,500.00 to the NSCP on or before September 30<sup>th</sup>, 2014.
5. Ms. Penny shall pay a portion of the College's costs for this matter, fixed at the amount of \$2,500.00 to be paid on or before September 30<sup>th</sup>, 2014.
6. There shall be publication with name, of the facts and details of the Settlement Agreement in accordance with Qualification and Professional Accountability Regulation, Section 21.
7. It is recognized by Ms. Penny that this Settlement Agreement is separate and apart from any assessment of her fitness to practice due to addiction related issues.

The Investigation Committee of the Nova Scotia College of Pharmacists and Ms. Sandra Penny 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 7<sup>th</sup> day of <sup>May</sup>~~April~~, 2014

  
\_\_\_\_\_  
Susan Wedlake, Registrar, NSCP

  
\_\_\_\_\_  
Sandra Penny

  
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Leslie Reid, Chair, Investigation Committee