

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. Crystal Marryatt.

The Hearing Committee met on January 30, 2015 to consider the proposed Settlement Agreement being recommended for acceptance by the Investigation Committee regarding Ms. Crystal Marryatt.

The Hearing Committee carefully reviewed all of the information from the Nova Scotia College of Pharmacists, the proposed Settlement Agreement, and relevant precedents.

The Hearing Committee after deliberation, 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. Crystal Marryatt.

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

January 30, 2015

Harriet Davies, Chair



On behalf of Hearing Committee Members:

Susan Halliday Mahar

Edith Menzies

Harriet Davies

**PROVINCE OF NOVA SCOTIA  
HALIFAX REGIONAL MUNICIPALITY**

**IN THE MATTER OF:** The *Pharmacy Act*, R.S.N.S. 2011, c.55 and Regulations  
made thereunder

-and-

**IN THE MATTER OF:** Ms. Crystal Marryatt, Pharmacist, [REDACTED] Belnan, NS  
[REDACTED]

**SETTLEMENT AGREEMENT**

**WHEREAS** pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in a Registrar's complaint dated September 23<sup>rd</sup>, 2014 alleging that Ms. Marryatt 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. Marryatt believe that a Settlement Agreement is the proper method of disposing of this matter,

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

1. **THAT** you engaged in professional misconduct by practising as a pharmacist while impaired as set out in the Pharmacy Act Section 2(at), in that:
  - i. You admitted that you consumed narcotics at work while you were practising as a pharmacist.
  - ii. On August 7, 2014, while you were practising as a pharmacist at [REDACTED] you overdosed on prescription medications, including methadone that you took illicitly from the safe at [REDACTED] and consumed while you were practising. This resulted in you ultimately losing consciousness while you were practising in the dispensary.
  - iii. On August 11, 2014, [REDACTED] contacted the NSCP to report that you had "acknowledged a substance abuse issue", and that your substance abuse issue had resulted in you requiring emergency hospital care.

- iv. On August 11, 2014, you contacted the NSCP and admitted that you had a substance dependence problem and requested that your pharmacy license be transferred to non-practicing.
- v. You have reported that your substance dependence issue had been an ongoing problem since April 2012 while you practiced pharmacy at the following pharmacies: [REDACTED] Street, Truro; [REDACTED] Street, Dartmouth, and [REDACTED] #2, Enfield.
- vi. You admitted to taking narcotics during daytime hours, while you engaged in the practice of pharmacy, when you did not have a legitimate medical condition to require them.

2. **THAT** you acted unlawfully and without integrity by removing narcotics and targeted substances for personal misuse that were awaiting destruction, including those that had been returned to the pharmacy by patients and those that had been removed from inventory because they were expired. These actions constitute a breach of the Controlled Drug and Substances Act (CDSA) and the Benzodiazepine and Other Targeted Substances Regulations, in that:

- i. When you were admitted to the hospital on August 7, 2014, you were in possession of oxazepam tablets from a patient who had returned them to [REDACTED] for disposal.
- ii. In August 2014, you were in possession of a vial of midazolam from a patient who had returned it to [REDACTED] for disposal and you admitted to taking this from the pharmacy and subcutaneously injecting yourself at home with the midazolam on at least two occasions.
- iii. In April 2012, you obtained and consumed Oxycontin 10mg and Oxycontin 40mg tablets from a patient's supply that had been returned to [REDACTED] in Truro for disposal.
- iv. You obtained and consumed Robitussin AC&C cough syrup from the expired medication that was awaiting destruction at one of the pharmacies where you practised.
- v. You have admitted that you obtained and consumed numerous other narcotics from patient's supplies that had been returned for disposal to the pharmacies where you practised.

3. **THAT** you acted unlawfully and without integrity by removing narcotics and targeted substances for personal misuse from the pharmacy inventory. These actions constitute a breach of the Controlled Drug and Substances Act (CDSA), the Narcotic Control Regulations and the Benzodiazepine and Other Targeted Substances Regulations, in that:

- i. While practising as a pharmacist, you removed a quantity of methadone powder from the safe at [REDACTED] and consumed it at work, leading to an overdose requiring hospitalization on August 7, 2014.

4. **THAT** you acted unlawfully and without integrity by improperly dispensing prescriptions for narcotic medications, diverting a quantity of a patient's supply for your personal misuse. These actions constitute a breach of the Controlled Drug and Substances Act, the Narcotic Control Regulations, the Pharmacy Act and Regulations and the Code of Ethics.
- i. You have admitted that while practising as a pharmacist, you diverted a quantity of a patient's supply of narcotic medications during the dispensing process and kept them for your own consumption.
  - ii. You have admitted that you compromised patient care and inaccurately dispensed prescriptions by intentionally providing a smaller quantity of a narcotic medication than was prescribed by their physician, billed to the patient and/or third party payer, recorded in the patient's profile and indicated on the prescription label.

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

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

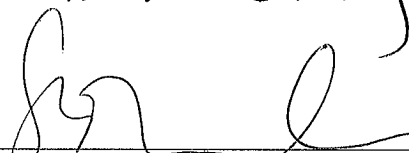
1. Ms. Marryatt acknowledges and agrees that her conduct noted above amounts to professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations.
2. A letter of reprimand in the form attached shall be placed on the file of Crystal Marryatt.
3. The licence of Ms. Marryatt to practise pharmacy in Nova Scotia shall be suspended for a period of 9 months. The period of suspension shall run from August 14, 2014 to May 14, 2015. It is recognized by Ms. Marryatt that this suspension is separate and apart from the ongoing assessment of her fitness to practise due to addiction related issues.
4. Ms. Marryatt shall pay a fine of \$2,500.00 to the NSCP on the earlier of, 90 days from the date Ms. Marryatt is licensed to practise pharmacy in any jurisdiction, or, May 14, 2016.
5. Ms. Marryatt shall pay a portion of the College's costs for this matter, fixed at the amount of \$2,500.00 to be paid in equal amounts monthly of \$208.33 over a twelve month period starting 90 days after she is eligible for re-licensure. In any event, any amount of the costs not yet paid, shall be due and payable in full, on or before May 14, 2016.
6. Ms. Marryatt hereby consents and agrees to notify the College of every pharmacy where she practises, for any period of time, for three years from the date of her resumption of practice.

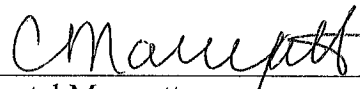
7. Ms. Marryatt hereby consents and agrees that notice of this settlement agreement shall be provided to Ms. Marryatt's present pharmacy manager and any future employers or pharmacy managers for three years from the date of her resumption of practice.
8. Ms. Marryatt hereby consents and agrees that the College may communicate with Ms. Marryatt's present pharmacy manager, and any future employers or pharmacy managers for three years from the date of her resumption of practice regarding any matters relating to this settlement agreement.
9. For a period of three years from her resumption of practice, Ms. Marryatt shall notify the Registrar of the NSCP of the name of her Primary Care Providers, including medical, dentistry, nurse practitioner, and pharmacy; and Ms. Marryatt irrevocably consents and directs that these Primary Care Providers may communicate with the College regarding any issues related to her fitness to practise and any issues relating to substance abuse or addiction related issues.
10. Ms. Marryatt hereby consents to only receiving prescriptions drugs for narcotics if they are prescribed by an authorized prescriber and with the full knowledge of her Primary Care Provider(s).
11. Within 5 days of Ms. Marryatt receiving any authorized prescriptions for narcotics consistent with Article 10, Ms. Marryatt shall notify the NSCP of any narcotics prescribed to her. It is expressly agreed that the notification requirement set out in item 11 shall continue for as long as Ms. Marryatt has a license to practise pharmacy in Nova Scotia.
12. Other than as authorized by Article 10, it is expressly agreed by Ms Marryatt that she shall abstain from and not use any narcotics in any manner whatsoever.
13. There shall be publication with name, of the facts and details of the Settlement Agreement in accordance with Registration, Licensing and Professional Accountability Regulations, Section 71.
- 14. It is recognized by Ms. Marryatt that this Settlement Agreement is separate and apart from the ongoing assessment of her fitness to practise due to addiction related issues.**
15. If Ms. Marryatt is determined to be fit for practice and returns to practise as a pharmacist licensed to practise in Nova Scotia, the following conditions shall be placed on Ms. Marryatt's license from the effective date of her resumption of practice as a licensed pharmacist:
  - a. Ms. Marryatt shall not hold the position of pharmacy manager at any pharmacy for a period of three years.


- b. Ms. Marryatt shall not work alone in the dispensary of a pharmacy for a period of three years from the effective date of her resumption of practice as a licensed pharmacist.
  - c. It is the express agreement of Ms. Marryatt that she shall not order or receive narcotics for a period of three years. Ordering or receiving narcotics includes ordering or receiving narcotics from wholesale suppliers and the ordering, receipt or purchase of narcotics from other pharmacies.
  - d. The restrictions in 15(c) shall not apply if the ordering of narcotics is required due to an unforeseen, urgent and exceptional requirement due to the unavailability of the pharmacy manager, or alternative pharmacist for a period greater than 72 hours.
  - e. The pharmacy manager where Ms. Marryatt practises shall report all discrepancies identified in the monthly narcotic reconciliation records, the audit of which is to include benzodiazepines, to the NSCP for a period of three years from the effective date of her resumption of practice as a licensed pharmacist.
16. There shall be two (2) inspections performed of any pharmacy in which Ms. Marryatt is practicing within 24 months from the date of her resumption of practice. The cost of the two (2) inspections shall be borne in full by Ms. Marryatt.

The Investigation Committee of the Nova Scotia College of Pharmacists and Ms. Crystal Marryatt 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 13<sup>th</sup> day of January, 2015.

  
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Susan Wedlake, Registrar, NSCP

  
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Crystal Marryatt

  
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Leslie Reid, Chair, Investigation Committee