

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 Mr. Patrick Munro.

The Hearing Committee met on July 7, 2015 to consider the proposed Settlement Agreement being recommended for acceptance by the Investigation Committee regarding Mr. Patrick Munro.

The Hearing Committee carefully reviewed all of the information from the Nova Scotia College of Pharmacists, the member, the proposed Settlement Agreement, the communication received by email dated June 30, 2015, 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 Mr. Patrick Munro.

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

July 7, 2015

Harriet Davies, Chair

A handwritten signature in black ink that reads "Harriet Davies". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

On behalf of Hearing Committee Members:

Annette Marshall

Sarah Dunville

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: Mr. Patrick Munro, Pharmacist, [REDACTED], Bedford, NS
 [REDACTED]

SETTLEMENT AGREEMENT

WHEREAS pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in a Registrar's complaint dated November 28, 2014 and February 9, 2015 alleging that Mr. Munro breached provisions of the *Pharmacy Act* and Regulations made there under, and conducted himself in a way in which a Hearing Committee properly constituted under the *Pharmacy Act* could conclude that his conduct amounted to professional misconduct,

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

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

1. **THAT** while engaged in the practice of pharmacy as a pharmacist at the [REDACTED], [REDACTED], Dartmouth, NS, you engaged in professional misconduct and conduct unbecoming contrary to the *Pharmacy Act* and Regulations, in that:

You practiced pharmacy while your ability to do so was impaired by the use of alcohol and drugs 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.

- (a) On September 7, 2014, you were charged under the Criminal Code of Canada with operating a motor vehicle while impaired by drugs or alcohol.
- (b) On September 8, 2014, the NSCP received information that while practicing as a pharmacist at [REDACTED], Dartmouth, Nova Scotia, you were impaired by drugs or alcohol.

- (c) On September 11, 2014, the NSCP received information that on September 2, 2014, while practicing as a pharmacist at [REDACTED], Dartmouth, Nova Scotia, you were impaired by drugs or alcohol. The NSCP received information that while practicing as a pharmacist at [REDACTED], Dartmouth, Nova Scotia, you appeared shaky, confused and unstable. You were asked to leave the dispensary but refused.
 - (d) The NSCP has received additional information that while practising as a pharmacist at [REDACTED], Dartmouth, Nova Scotia, you have had difficulty reading prescriptions and signing your initials. You were present in the dispensary dispensing prescriptions at [REDACTED], Dartmouth, Nova Scotia, when your physical appearance and behaviour were consistent with someone that was impaired by drugs or alcohol, including slurred speech, pinpoint pupils, lack of coordination and incoherence.
2. **THAT** you acted unlawfully and without integrity by removing drugs including targeted substances for personal misuse from the inventory at the [REDACTED] [REDACTED] Dartmouth. These actions constitute professional misconduct and a breach of the Controlled Drug and Substances Act (CDSA) and the Benzodiazepine and Other Targeted Substances Regulations, in that:
- (a) On October 1, 2014, pursuant to an agreement with NSCP, you provided a urine sample. Your urine tested positive for benzodiazepines. You did not have a valid prescription for any benzodiazepine medications.
 - (b) On October 9, 2014, pursuant to an agreement with NSCP, you provided a urine sample. Your urine tested positive for benzodiazepines and codeine. You did not have a valid prescription for any benzodiazepine medications and were unable to provide a valid reason for the presence of the controlled substance codeine in your urine.
 - (c) You admitted to removing zopiclone and diazepam from the pharmacy inventory for personal misuse without a valid prescription.

Mr. Munro specifically acknowledges and agrees to all of the facts stated above.

The Nova Scotia College of Pharmacists and Mr. Munro hereby agree to the following disposition and settlement of this matter. The sanctions listed below are specific to Mr. Munro's professional misconduct and are separate from any agreements or conditions pertaining to his fitness to practice required by the Fitness to Practice Committee of the Nova Scotia College of Pharmacists.

1. Mr. Munro 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 Mr. Munro.
3. The licence of Mr. Munro to practise pharmacy in Nova Scotia shall be suspended for a period of 6 months. The period of suspension shall run from September 11th, 2014 to March 11th, 2015.
4. It is recognized by Mr. Munro that this Settlement Agreement is separate and apart from any assessment of his fitness to practice and ongoing restrictions or conditions on his license due to addiction related issues.
5. Mr. Munro shall pay a fine of \$2,500.00 to the NSCP on or before August 30th, 2015.
6. Mr. Munro shall pay a portion of the College's costs for this matter, fixed at the amount of \$20,000.00 to be paid in 12 equal monthly payments of \$1666.66, starting 30 days after the acceptance of this Settlement Agreement by the Hearing Committee.
7. Mr. Munro hereby consents to judgement in the full amount of \$22,500.00 (\$2500 fine plus \$20,000 costs) in the form attached. The consent judgement shall be signed and executed by Mr. Munro as part of this Settlement Agreement. The College shall file the consent judgement with the court but shall take no other action unless Mr. Munro fails to pay in full pursuant to clauses 5 and 6 of this Settlement Agreement.
8. Mr. Munro hereby consents and agrees to notify the College of every pharmacy where he practises or applies to practise for any period of time, for three years from the date of his resumption of practice.
9. Mr. Munro hereby consents and agrees that notice of this settlement agreement shall be provided to Mr. Munro's present pharmacy manager and any future employers or pharmacy managers for three years from the date of his resumption of practice.
10. Mr. Munro hereby consents and agrees that the College may communicate with Mr. Munro's present pharmacy manager, and any future employers or pharmacy managers for three years from the date of his resumption of practice regarding any matters relating to this settlement agreement.
11. For a period of three years from his resumption of practice, Mr. Munro shall notify the Registrar of the NSCP of the name of his Primary Care Providers, including medical, dentistry, nurse practitioner, and pharmacy; and Mr. Munro irrevocably consents and directs that these Primary Care Providers may communicate with the College regarding any issues related to his fitness to practise and any issues relating to substance abuse or addiction related issues.
12. Mr. Munro hereby consents to only receiving prescription drugs if they are prescribed by an authorized prescriber and with the full knowledge of his Primary Care Provider(s).

13. If Mr. Munro 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 Mr. Munro's license from the effective date of his resumption of practice as a licensed pharmacist:
 - a. Mr. Munro shall not hold the position of pharmacy manager at any pharmacy for a period of three years.
 - b. Mr. Munro shall not work alone in the dispensary of a pharmacy for a period of three years from the effective date of his resumption of practice as a licensed pharmacist.
 - c. It is the express agreement of Mr. Munro that he shall not order or receive narcotics or benzodiazepines for a period of three years. Ordering or receiving narcotics or benzodiazepines includes ordering or receiving narcotics from wholesale suppliers and the ordering, receipt or purchase of narcotics from other pharmacies.
 - d. The restrictions in 13(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 Mr. Munro 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 his resumption of practice as a licensed pharmacist.
14. There shall be two (2) inspections performed of any pharmacy in which Mr. Munro is practising within 24 months from the date of his resumption of practice. The cost of the two (2) inspections shall be borne in full by Mr. Munro.
15. There shall be publication, with name, of the facts and details of the Settlement Agreement in accordance with the Registration, Licensing and Professional Accountability Regulations, Section 71.

The Investigation Committee of the Nova Scotia College of Pharmacists and Mr. Patrick Munro 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 12 day of June, 2018



Susan Wedlake, Registrar, NSCP



Patrick Munro



Leslie Reid, Chair, Investigation Committee