

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. Leanne Forbes.

The Hearing Committee met on December 19, 2016 to consider the proposed Settlement Agreement being recommended for acceptance by the Investigation Committee regarding Ms. Leanne Forbes.

After careful review of all of the information from the Nova Scotia College of Pharmacists, including the proposed Settlement Agreement (attached) and relevant precedents;

The Hearing Committee 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. Leanne Forbes.

December 19, 2016

Harriet Davies, Chair



On behalf of Hearing Committee Members:

John McNeil

Tom Mahaffey

Harriet Davies

attachment

**PROVINCE OF NOVA SCOTIA
HALIFAX REGIONAL MUNICIPALITY**

IN THE MATTER OF: The *Pharmacy Act*, R.S.N.S. 2011, c.1 and Regulations
 made thereunder

-and-

IN THE MATTER OF: Ms. Leanne Forbes, Pharmacist, [REDACTED]
 Nova Scotia, [REDACTED]

SETTLEMENT AGREEMENT

WHEREAS pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in a complaint dated February 17, 2016 alleging that Ms. Leanne Forbes 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. Forbes agree that a Settlement Agreement is the proper method of disposing of this matter,

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

1. **THAT** you failed to be diligent in taking the necessary steps to determine the appropriateness of drug therapy contrary to section 32(1)(d) of the *Pharmacy Act*. You failed to contact the relevant physician when you knew or ought to have known that there was a drug interaction that could put a patient at risk, or when you were otherwise alerted that the drug therapy was creating a risk for the patient, contrary to the *Standards of Practice* and *Pharmacy Practice Regulations*. Specifically:
 - a. You were the Pharmacy Manager, practising pharmacy at [REDACTED], [REDACTED] Amherst, N.S. (the "Pharmacy").
 - b. On November 26, 2015 you were presented with discharge prescriptions for [REDACTED] (the "Patient") which included methadone 80mg once daily and naltrexone 50mg once daily.
 - c. You advised the Patient's agent that naltrexone 50mg was not covered by the Patient's drug plan. You counselled the Patient and the Patient's agent to contact the Patient's physician to discuss the appropriateness of the patient's drug therapy.

- d. You subsequently dispensed the prescription for methadone 80mg without identifying the risk of discontinuing the naltrexone.
 - e. You did not dispense the prescription for naltrexone. You did not contact the Patient's physician to discuss the appropriateness of the patient's drug therapy or the decision not to dispense naltrexone.
2. **THAT** you failed to thoroughly counsel the Patient regarding how to use the medication safely and effectively, including ensuring that the Patient was aware of the risks involved from the discontinuation of a drug therapy so that they could make an informed decision about stopping the medication, all contrary to the *Standards of Practice* and section 13 of the *Pharmacy Practice Regulations*. The counseling that you provided to the Patient and his agent was not effectively delivered, in that the Patient and/or the Patient's agent did not understand the urgency of the situation upon completion of counsel.
- a. On November 27, 2015, while practising pharmacy, you provided a note to the Patient's agent advising them that naltrexone was not covered by the Patient's drug plan and that you would require further direction from the Patient or the Patient's agent regarding payment.
 - b. You did not effectively communicate to the Patient and the Patient's agent that the removal of naltrexone from the Patient's drug therapy could be harmful to the Patient.
 - c. You did not effectively communicate to the Patient and the Patient's agent the importance of contacting the physician promptly to discuss the appropriateness of drug therapy.
3. **THAT** you failed to take the necessary steps to ensure the ongoing appropriateness of a treatment plan when you discontinued a drug therapy contrary to section 32(1)d of the *Pharmacy Act* and section 14 of the *Pharmacy Practice Regulations*. You failed to communicate with the Patient's primary health care provider and failed to provide appropriate monitoring, contrary to the *Standards of Practice* and section 14 of the *Pharmacy Practice Regulations*.
- a. From November 27, 2015 to December 2, 2015 the Patient received a daily witnessed dose of methadone at [REDACTED] Amherst, NS. The Patient did not receive naltrexone during this time period.
 - b. While the Patient continued to be monitored by the pharmacy on a daily basis, you failed to identify that the unique kinetic properties of methadone and naltrexone would delay the therapeutic impact of the change in drug therapy.
 - c. You directed that the patient be assessed by a physician immediately following their visit to the pharmacy however you did not follow up with the Patient or the Patient's agent regarding whether they had communicated with the Patient's physician. You did not communicate with the Patient's physician directly regarding the ongoing appropriateness of the Patient's drug therapy and in particular whether discontinuation of the naltrexone prescription may put the Patient at risk of a significant adverse event.

- d. On December 3, 2015 the Patient died. The medical examiner's report states that methadone intoxication was the cause of death. The opinion of the toxicologist is that the high blood concentration of methadone detected and the Patient's death were consequences of the withdrawal of the naltrexone.

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


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

1. Ms. Forbes 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 Leanne Forbes.
3. The licence of Ms. Forbes to practise pharmacy in Nova Scotia shall be suspended for a period of 30 days. The period of suspension shall be completed by March 31, 2017.
4. Ms. Forbes shall pay a portion of the College's costs for this matter, fixed at the amount of \$7500.00 to be paid in equal amounts monthly of \$625.00 over a twelve month period starting within 90 days of the date of this Settlement Agreement. In any event, any amount of the costs not yet paid, shall be due and payable in full, on or before July 1, 2018.
5. For a period of 6 months, Ms. Forbes shall prepare and offer to conduct bimonthly continuous quality improvement staff meetings that focus on the practice of the pharmacy with respect to addressing notifications of drug interactions and internal communications for enhanced continuity of patient care. The meetings will include establishing, amending and/or monitoring progress of a written quality improvement action plan consistent with the *Standards of Practice Continuous Quality Assurance Programs in Community Pharmacies*. Evidence of the preparation and offer to conduct the meetings focusing on different areas of practise shall be provided to the College bimonthly for the 6 month period.
6. There shall be two (2) professional practice audits performed at any pharmacy in which Ms. Forbes is practising within 12 months from the date of this Settlement Agreement. The cost of the two (2) professional practice audits shall be borne in full by Ms. Forbes.
7. Ms. Forbes shall enroll in, undertake, and successfully complete, within twelve months of the date of this Settlement Agreement, an educational methadone course approved by the Nova Scotia College of Pharmacists.


8. Ms. Forbes shall compose an article within 3 months of the date of this Settlement Agreement that includes the lessons learned and the steps that have been taken to minimize the likelihood of reoccurrence, which shall be communicated with all registrants of the NSCP and with the Patient's family.
9. Ms. Forbes shall contact the Patient's family, by phone or in person, to confirm her acknowledgment and agreement of the facts set out in this Agreement, and to apologize.
10. 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 Ms. Leanne Forbes 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 19 day of Dec , 2016



Beverley Zwicker, Registrar, NSCP



Leanne Forbes



Bryan Davis, Chair, Investigation Committee