

DECISION OF THE HEARING COMMITTEE

PROVINCE OF NOVA SCOTIA HALIFAX REGIONAL MUNICIPALITY

IN THE MATTER OF: The *Pharmacy Act*, R.S.N.S. 2011, c.39 and Regulations
 made thereunder

-and-

IN THE MATTER OF: Mr. Jaime Roopnarine, Pharmacist, [REDACTED],
 Saint Ann's, Trinidad and Tobago, West Indies

The Hearing Committee met on 28th day of July, 2016 to consider the conduct of Mr. Jaime Roopnarine (the "Registrant").

The Hearing Committee consisted of the following:

Harriet Davies (Chair), Pharmacist
Edith Menzies, Public Representative
Deb Barnhill, Pharmacist

The Hearing took place at the office of the Nova Scotia College of Pharmacists, 1559 Brunswick Street, Suite 200, Halifax, Nova Scotia on the 28th day of July, 2016.

Also in attendance at the hearing on the 28th day of July, 2016 were:

Scott Sterns, counsel for the Nova Scotia College of Pharmacists (the "College")
Tiffany Savary, Manager of Professional Accountability for the College
Sue Sampson, Deputy Registrar for the College
Catherine Walker, QC, Independent counsel for the Hearing Committee

OPENING REMARKS

Scott Sterns provided the committee with an opening statement on behalf of the College. He stated that the Registrant had refused to participate in the usual process following the College investigation. The Registrant is no longer in the jurisdiction. The College believes it is in the best interest of the Public to proceed with the Hearing in a timely manner while evidence is still current/relevant. Mr. Sterns reported that the College provided the names of the Hearing Committee members to the Registrant and notice of proceedings via registered mail on June 21, 2016 to the Registrant's address in Trinidad and Tobago and presented to the Hearing Committee the receipt of successful delivery (Exhibit #1). Notice was also sent via email; however, no reply was received (Exhibit #2) but Mr. Sterns noted that it was sent to the same email address as previously provided by the Registrant and from which communication had been previously received. Notice was also subsequently sent via Federal Express courier to the Registrant's address in Trinidad and Tobago and signature tracking information was provided to the Hearing

(Exhibit #3). The signature received from the Federal Express tracking was also compared to the signature of the Registrant on file with the College (Exhibit #4).

Based on review of Exhibits 1 to 4 the committee is satisfied the Registrant has received notice of the Hearing today and has chosen not to appear. Section 56(10) of the Pharmacy Act authorizes the Hearing Committee to proceed in the absence of the Registrant.

Mr. Sterns continued with his opening remarks. He noted that contact with the College was initiated by the Employer in response to a patient concern. Further investigation at the workplace substantiated the complaint with hidden transcript camera footage, arrest by RCMP of the Registrant in the workplace and termination of employment. An investigation of the Registrant was begun by the College following receipt of this information from the Pharmacy Manager. The College conducted an investigation and collected information to substantiate that the Registrant admitted to a personal history of addiction, tampering, theft, misuse of illegal drugs, practising while impaired and an arrest and admission of guilt and record of conviction in provincial court in Nova Scotia. The Registrant then left for Trinidad and Tobago and all communication with the College ceased with the last communication in early April 2016. Mr. Sterns also informed the committee that conviction of a Pharmacist in Criminal Court is rare in this province.

EVIDENCE PRESENTED

Ms. Tiffany Savary was affirmed in front of the Committee before giving testimony.

Mr. Sterns asked Tiffany to describe the contents of the material in front of the Committee- Exhibit #5 Information Binder Tabs # 1 through #12 .As well Exhibit #6 was introduced through this same witness- the Registrant's Record of Conviction from the Provincial Court of Nova Scotia.

1. Notice of Hearing.
2. Summary of Facts.
3. Description of phone call with Pharmacy Manager outlining events that lead to video surveillance in the workplace of the Registrant.
4. Summary of notes from Pharmacy Manager describing concerns.
5. Photos of safe and drugs as observed by the Police upon arrest and close up of tampered medications.
6. Agreement Not To Practice signed June 26, 2015.
7. Tiffany Savary's notes from viewing surveillance footage provided by the Employer.
8. Report from [REDACTED] Loss Prevention Program.
9. Tiffany Savary's Investigator's Report on behalf of the College.
10. Interview Excerpt (Recorded) conducted with Registrant on August 13, 2015
11. Warning letter from Employer not to enter the pharmacy after hours.
12. Registrar's complaint dated August 27, 2015 and email letter of response from Registrant dated October 1, 2015.

Other questions asked of Mr. Sterns and Ms. Savary by the Committee:

Was there any record of prior convictions?

No

Had the Registrant been registered in any other jurisdictions?

The following information was provided from the Registrant's registration file with the College:

- September 2011 he registered as an intern with the College.
- Completed practice experience late 2011, early 2012.
- Registered as a pharmacist with the College in February 2012.
- No criminal record check on file with the College as not a requirement of registration when he joined.
- Letter of standing sent by NSCP to OCP September 2013.

SUMMARY OF FINDINGS

The Hearing Committee carefully reviewed and considered the information and evidence presented at the Hearing as summarized above and carefully reviewed and considered the allegations against Mr. Jaime Roopnarine (the "Registrant") and summarized in the Notice of Hearing (NOH) attached as Appendix 1 and made the following findings:

1. **THAT** the Registrant engaged in professional misconduct by practicing as a pharmacist while impaired as set out in the Pharmacy Act Section 2(at), in that:
 - i. The Registrant consumed narcotics at [REDACTED], Kingston, Nova Scotia ("[REDACTED]") while practicing as a pharmacist in Nova Scotia.
 - a. Based on information provided in Exhibit #5 tabs 7, 8, 10 and Exhibit #6.
 - ii. The Registrant crushed and dissolved beads from narcotic capsules into an aqueous solution for self-injection using the mortar and pestle from [REDACTED] compounding equipment while practicing as a pharmacist in Nova Scotia.
 - a. Based on information provided to the Hearing Panel in Exhibit #5 tab 10.
 - iii. Between October 1, 2013 and June 25, 2015, the Registrant used narcotics orally, by IM, and IV injection while practicing as a pharmacist at [REDACTED] in Kingston, Nova Scotia.
 - a. Based on information provided in Exhibit #5 tabs 8 & 10.
 - iv. Between October 1, 2013 and June 25, 2015, the Registrant injected himself with narcotics while practicing as a pharmacist at the [REDACTED], Kingston, Nova Scotia.
 - a. Based on testimony provided by Tiffany Savary and information provided in Exhibit #5 tab 8.
 - v. On June 25, 2015, while the Registrant was practicing as a pharmacist at the [REDACTED], Kingston, Nova Scotia the Registrant injected himself with an opioid.
 - a. Based on information provided to the Hearing Panel in Exhibit #5 tabs 8 & 10.
 - vi. The Registrant has had a narcotics dependence issue since October 2013.
 - a. Based on information provided to the hearing panel Exhibit #5 tab 10.

2. **THAT** the Registrant acted unlawfully and without integrity by removing narcotics for personal misuse that were awaiting destruction, including those that had been returned to the pharmacy by patients. These actions constitute a breach of the Controlled Drug and Substances Act (CDSA) and the Narcotic Control Regulations, in that:
 - i. For his personal misuse, the Registrant unlawfully removed narcotics that were intended for destruction while at work as a pharmacist at the [REDACTED], Kingston, Nova Scotia.
 - a. Based on information presented to the Hearing Panel in Exhibit #5 tab 10.
 - ii. For the following allegation: From October 1, 2013 to June 25, 2015, the Registrant unlawfully accessed patient returned narcotics and outdated stock narcotics including hydromorphone, morphine and tapentadol that were awaiting destruction to obtain both whole tablets/capsules as well as the beads inside of capsules for his personal misuse.
 - a. Based on the balance of probabilities the Hearing Committee is not satisfied that morphine was included but believe that based on a balance of probabilities that the following is true: From October 1, 2013 to June 25, 2015, the Registrant unlawfully accessed patient returned narcotics and outdated stock narcotics including hydromorphone, and tapentadol that were awaiting destruction to obtain both whole tablets/capsules as well the beads inside of capsules for personal misuse.
 - b. Based on information provided to the Hearing Committee in Exhibit #5 tab 10.
 - iii. On May 31, 2015, the Registrant unlawfully entered the [REDACTED], Kingston, Nova Scotia while the pharmacy was closed, and removed narcotics for personal misuse
 - a. Based on information provided in Exhibit #5 tabs 8, 10 & 11.
3. **THAT** the Registrant acted unlawfully and without integrity by removing narcotics for personal misuse from the pharmacy inventory. These actions constitute a breach of the Controlled Drug and Substances Act (CDSA) and the Narcotic Control Regulations, in that:
 - i. Without a valid prescription, the Registrant removed narcotics from pharmacy inventory while working as a pharmacist, and when the pharmacy was closed, at the [REDACTED], Kingston, Nova Scotia.
 - a. Based on information provided in Exhibit #5 tab 10 and Exhibit #6.
 - ii. Between May 1, 2015 and June 25, 2015, the Registrant unlawfully removed beads from narcotic capsules, including Hydromorph Contin[®] from the pharmacy inventory at the [REDACTED], Kingston, Nova Scotia, for personal misuse.
 - a. Based on information provided in Exhibit #5 tabs 8, 10.
4. **THAT** the Registrant acted unlawfully and without integrity by improperly dispensing prescriptions for narcotic medications and diverting a quantity of a patient's supply for 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, in that:
 - i. Between October 1, 2013 and June 25, 2015, while practicing as a pharmacist, the Registrant unlawfully tampered with narcotic capsules in the pharmacy inventory stock at the [REDACTED], Kingston, Nova Scotia diverting a portion of the capsule's contents for personal misuse.
 - a. Based on information provided in Exhibit #6.

- ii. Between October 1, 2013 and June 25, 2015, the Registrant unlawfully altered the strength of narcotic capsules in the pharmacy's inventory thereby compromising patient care resulting in inaccurately dispensed prescriptions.
 - a. Based on information provided in Exhibit #5 tab 10.
- iii. As a result of your actions in unlawfully tampering with narcotic capsules the Hearing Panel believes it is reasonable to infer the following:
 - Patients received lesser strength prescription than was prescribed by their physician,
 - Patients received less than was billed to the patient and/or third party payer,
 - Patients received less than was recorded in the patient's profile and indicated on the prescription label.

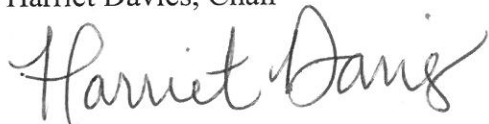
AND THAT each of the above actions constitutes a disciplinary matter pursuant to the *Pharmacy Act* and Regulations made pursuant to the *Pharmacy Act* of Nova Scotia.

SANCTIONS

The Hearing Committee will reconvene via teleconference August 4, 2016 to review the recommended sanctions presented by Mr. Scott Sterns on July 28, 2016.

DATED at Halifax Regional Municipality, Province of Nova Scotia, 28th day of July 2016.

Harriet Davies, Chair



On behalf of Hearing Committee Members:

Edith Menzies

Deb Barnhill

Harriet Davies

DECISION OF THE HEARING COMMITTEE - SANCTIONS

PROVINCE OF NOVA SCOTIA HALIFAX REGIONAL MUNICIPALITY

IN THE MATTER OF: The *Pharmacy Act*, R.S.N.S. 2011, c.39 and Regulations
made thereunder

-and-

IN THE MATTER OF: Mr. Jaime Roopnarine, Pharmacist, [REDACTED]
Saint Ann's, Trinidad and Tobago, West Indies

The Hearing Committee met on the 28th day of July, 2016 to consider the conduct of Mr. Jaime Roopnarine (the "Registrant").

The Hearing Committee consisted of the following:

Harriet Davies (Chair), Pharmacist
Edith Menzies, Public Representative
Deb Barnhill, Pharmacist

The Hearing took place at the office of the Nova Scotia College of Pharmacists, 1559 Brunswick Street, Suite 200, Halifax, Nova Scotia on the 28th day of July, 2016.

Also in attendance at the hearing on the 28th day of July, 2016 were:

Scott Sterns, counsel for the Nova Scotia College of Pharmacists (the "College")
Tiffany Savary, Manager of Professional Accountability for the College
Sue Sampson, Deputy Registrar for the College
Catherine Walker, QC, Independent counsel for the Hearing Committee

The Hearing Committee found the Registrant had engaged in professional misconduct and these findings can be found within the written decision of the Hearing Committee on this matter (Appendix A).

SANCTIONS

The Hearing Committee reconvened via teleconference on the 4th day of August, 2016 to review the recommended sanctions presented verbally by Counsel for the Nova Scotia College of Pharmacists on the 28th day of July, 2016.

Present for the teleconference on the 4th day of August, 2016 were:
Harriet Davies (Chair), Pharmacist
Edith Menzies, Public Representative
Deb Barnhill, Pharmacist
Catherine Walker, QC, Independent counsel for the Hearing Committee

Decisions on sanctions were made by the Hearing Committee in the absence of the Independent counsel.

Overview of the Nova Scotia College of Pharmacists Submission on Sanctions

Counsel for the College proposed the following sanctions:

- Revocation of the Registrant's license to practice pharmacy in Nova Scotia with the ability to apply for reinstatement, consistent with the Pharmacy Act, which requires the passage of five years before an application for reinstatement can be made.
- A fine of \$5000 and \$15,000 in costs.

Sanctions Decided upon by the Hearing Committee

After careful review of the precedent cases provided by the Nova Scotia College of Pharmacists and after careful and considered review of the evidence provided at the Hearing (Appendix B) and written decision of professional misconduct (Appendix A) the Hearing Committee orders the revocation of the Registrant's license and levies a fine of \$5000 and costs of \$15,000. The Committee is satisfied that these sanctions are warranted due to the severity of the Registrant's professional misconduct including being arrested at work as a Pharmacist; injecting/administering narcotics at work; being impaired at work; tampering with in-stock and return to stock narcotics; pleading guilty to a criminal offence in the Court of Nova Scotia for an offence committed while practising as a Pharmacist in a Pharmacy; and placing patients' health at risk as a result of the aforementioned findings; and abandoning the disciplinary process. These findings are very serious and contrary to the public interest. The Committee has determined that the registrant may apply for reinstatement at any time after Five (5) years from the date of this decision, in accordance with s.57(4) of the *Pharmacy Act* provided the fine and costs levied in this decision have been paid.

In addition to the above mentioned sanctions the Committee also orders that in the interest of public safety the findings of this Hearing are to be communicated by the Nova Scotia College of Pharmacists to all the Provincial and Territorial Pharmacy Regulatory Authorities in Canada and to the Pharmacy Board of Trinidad and Tobago as well as published in the Chronicle Herald Newspaper and posted on the Disciplinary Decisions section of the Nova Scotia College of Pharmacists website.

DATED at Halifax Regional Municipality, Province of Nova Scotia, 4th day of August, 2016.

Harriet Davies, Chair



On behalf of Hearing Committee Members:

Edith Menzies

Deb Barnhill

Harriet Davies