

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. JoAnne Andrews.

The Hearing Committee met on April 24, 2017 to consider the proposed Settlement Agreement being recommended for acceptance by the Investigation Committee regarding Ms. JoAnne Andrews.

After careful review of the proposed Settlement Agreement and other information of record, 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. JoAnne Andrews.

April 24, 2017



Tena Taylor, Chair

On behalf of Hearing Committee Members:
Annette Marshall
Tena Taylor

**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. JoAnne Andrews, Pharmacist, [REDACTED], [REDACTED]
Nova Scotia, [REDACTED]

SETTLEMENT AGREEMENT

WHEREAS pursuant to the *Pharmacy Act* of Nova Scotia, allegations were set out in a complaint dated October 21, 2016 alleging that Ms. JoAnne Andrews 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. Andrews agree that a Settlement Agreement is the proper method of disposing of this matter.

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

1. **THAT** you acted unlawfully in that you possessed, compounded and provided marijuana to a patient, contrary to the *Pharmacy Act* s. 31 and s.39, the *Standards of Practice: Prescribing of Drugs*, the *Guidelines to Pharmacy Compounding*, the *Code of Ethics – Value II* and *Value VI*, the *Controlled Drug and Substance Act* and its Regulations and the *Access to Cannabis for Medical Purposes Regulations*. Specifically:
 - a) On or about September 7, 2016, you were practicing as a pharmacist at [REDACTED], Sydney, Nova Scotia. On or about September 7, 2016, you accepted marijuana from a patient who was using it for medical purposes. Shortly after accepting the marijuana from the patient you baked the marijuana into cookies.

- b) On September 7, 2016 you brought the cookies containing the marijuana, which you made from the supply of marijuana provided by the patient, to [REDACTED], [REDACTED] Sydney with the intention of providing them to the patient.
- c) When the patient did not arrive prior to the end of your work shift, you asked a co-worker to give the cookies to the patient.
- d) The cookies were packaged in a [REDACTED] prescription bag with the patient's name written on it.
- e) On September 8, 2016, on the way into the pharmacy, you met the patient and learned that the patient had not received the marijuana cookies. You entered the pharmacy, retrieved the cookies, and gave the marijuana cookies to the patient.
- f) On September 9, 2016 you were terminated from [REDACTED], [REDACTED] Sydney for making cookies with marijuana and providing them to a patient of the pharmacy.
- g) You are not an authorized licensed producer or distributor of marijuana.
- h) You have admitted to using marijuana occasionally in the past however there was no evidence of current use. You were randomly screened for illicit drug use and no drugs were detected.

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


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

1. Ms. Andrews 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 JoAnne Andrews.
3. The licence of Ms. Andrews to practise pharmacy in Nova Scotia shall be suspended for a period of 30 days. The period of suspension shall be completed within 2 months of the date of this Settlement Agreement.
4. Ms. Andrews shall pay a fine of \$1000.00 to the NSCP within 180 days of the date of this Settlement Agreement.

5. Ms. Andrews shall pay a portion of the College's costs in this matter, fixed at the amount of \$2500.00, to be paid in equal amounts of \$208.33 per month 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.
6. Ms. Andrews hereby consents and agrees to notify the College of every pharmacy where she practises for three years from the date of this Settlement Agreement.
7. Ms. Andrews hereby consents and agrees that notice of this Settlement Agreement shall be provided to any future employers or pharmacy managers for three years from the date of this Settlement Agreement.
8. Ms. Andrews shall enroll in, undertake, and successfully complete, within twelve months of the date of this Settlement Agreement, an ethics course approved by the Nova Scotia College of Pharmacists.
9. Ms. Andrews shall not hold the position of pharmacy manager at any pharmacy for a period of five years from the date of this Settlement Agreement.
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.
11. This Settlement Agreement shall not be effective unless approved by the Hearing Committee of the Nova Scotia College of Pharmacists. If approved by the Hearing Committee, the date of approval is the date of this Settlement Agreement.

The Investigation Committee of the Nova Scotia College of Pharmacists and Ms. JoAnne Andrews 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 ^{April} 24th day of 2017.


Beverley Zwicker, Registrar, NSCP


JoAnne Andrews


Bryan Davis, Chair, Investigations Committee