



Discipline Hearing Conducted

A Discipline Hearing was conducted on 2 August 2002 to inquire into the conduct of Grant Rowley (diploma 4016), manager of Gonzales Pharmacy in Victoria, B.C. The Citation against Mr. Rowley alleged twenty-one separate infractions, several of which contained multiple contraventions.

Mr. Rowley acknowledged that his conduct breached section 43(1) of the *Act* when he obstructed a College inspector attempting to carry out the normal course of her duties at Gonzales Pharmacy on or about 12 April 2000. Section 43(1) of the *Act* states:

A person must not mislead, obstruct, harass or physically or verbally abuse the Registrar or an inspector appointed under section 40 or 68 in the lawful performance of duties or exercise of powers under this *Act*, the regulations or bylaws.

Mr. Rowley also admitted to the twenty other counts. Those of most significance include the following deficiencies noted over four or five years:

In January 1999 Mr. Rowley knowingly submitted a false Inspection Reply Form to the College advising that practice deficiencies had been corrected when they had not;

From 1997 to 2001 he failed to have current reference materials in his pharmacy library;

On five separate occasions, he allowed outdated prescription drugs to be stocked on his dispensary shelves;

On four separate occasions the compounding area was found to be in an unclean, cluttered and unhygienic condition;

On five separate occasions, the prescription files were not maintained in accordance with generally accepted standards of pharmacy practice;

On five separate occasions, prescriptions were either inappropriately labelled with incorrect information about the brand of product being dispensed or had no pharmacy label at all;

On four separate occasions, prescription information about patient allergies was not transmitted to the PharmaNet database.



The Discipline Panel noted that several of the deficiencies relate to issues that have direct health and safety concerns for patients. Each of these complaints when considered in isolation may appear to be a minor violation, however the Panel considered the pharmacist's overall conduct. Significant effort was made by the College to assist Mr. Rowley in modifying his practice to meet the requirements of the *Act* and Bylaws. In spite of these efforts, over a span of approximately five years, the pharmacist's practice remained largely unchanged. The panel noted that these problems persisted over a significant length of time, over a number of separate inspections and in spite of remedial assistance provided by the College.

In considering whether the pharmacist's conduct was negligence, incompetence or professional misconduct, the Panel stated that the pharmacist's repetitive conduct over a significant time frame could only be described as a blatant disregard for the provisions of the *Act* and the Bylaws of the Council of the College of Pharmacists of British Columbia. Therefore, the pharmacist's conduct was described as professional misconduct rather than simply negligence.

In assessing the penalty the Panel stated their hope that Mr. Rowley's involvement in this discipline process would have a sobering effect on him. The Panel advised him to familiarize himself with his pharmacy computer software and to make more effective use of pharmacy technicians to deal with duties that he is permitted to delegate. They also noted that the practice of pharmacy is a constantly changing profession and Mr. Rowley needs to keep abreast of these changes. The penalty assessed was:

1. A fine of \$20,000.00 plus costs and disbursements not to exceed \$7,500.
2. Mr. Rowley must undergo a College Inspection without any repeat deficiencies by 15 December 2002.