

**IN THE MATTER OF THE COLLEGE OF PHARMACISTS OF BRITISH  
COLUMBIA**

**AND**

**LAKHVIR SINGH DHINSA**

**REASONS OF THE PANEL OF THE DISCIPLINE COMMITTEE  
(Section 39.1(a) Hearing)  
(JOHN SCHOLTENS (Chair), JEFF SLATER, PETER COOK)**

Counsel for the Discipline Committee:

Maureen E. Baird, Q.C.

Counsel for the College:

A. Mizrahi

Mr. Dhinsa appeared in person

1. On August 24, 2012 a panel of the Discipline Committee (the "Panel") gave notice to Mr. Dhinsa that pursuant to s. 39.1(2) of the *Health Professions Act* (the "Act") it proposed to cancel his registration with the College of Pharmacists of British Columbia (the "College") based on the conduct that resulted in his removal from the Register of the General Pharmaceutical Council (Great Britain) (the "GPC"). Mr. Dhinsa was offered an opportunity to be heard in writing.

2. By letter dated September 3, 2012 Mr. Dhinsa responded in writing setting out his current health status following a significant motor vehicle accident in May 2011, and his explanation for the events and conduct leading to his removal from the Register of the GPC. He also provided to the Panel information regarding a reprimand that he had received from the Inquiry Committee of the College on or about February 8, 2012 relating to statutory declarations made to the College in May 2010 when he became registered as a full pharmacist.

3. The essence of Mr. Dhinsa's September 3, 2012 submission was that he accepted that the GPC was correct in the decision it made to remove him from the Register as a result of his conduct but that the process of coming to terms with the conduct leading up to his removal from the Register of the GPC, the challenge of recovering from the motor vehicle injuries and the move to Canada have changed him and made him a better person to the point where he ought to be able to continue to practice pharmacy in the public interest.

4. The College provided a response submission in writing stressing the seriousness of the conduct that had led to Mr. Dhinsa's removal from the Register of the GPC and in particular that the conduct was criminal (and had resulted in a criminal conviction) involving the theft of pharmaceutical medications while Mr. Dhinsa was an employee of a pharmacy in Great Britain. The College's submission was that, in light of the gravity of the criminal conduct and its direct relationship to the profession of pharmacy, that public confidence in the profession and public safety required that this Panel confirm its proposal of cancellation as the appropriate outcome.

5. On September 21, 2012 Mr. Dhinsa responded by email to the College submission. He repeated his view that he was rehabilitated and reformed and fit to continue to be licensed as a pharmacist, subject to the physical and cognitive limitations resulting from his motor vehicle accident. He suggested that this Panel consider directing "...further rehabilitation or action to prove my trust and fitness...". He asked for an opportunity to address the Panel in person. The College agreed to Mr. Dhinsa's request and the Panel convened on October 30, 2012 to hear Mr. Dhinsa.

6. On October 30, 2012, Mr. Dhinsa provided further documents that he wished the Panel to consider. Exhibit 1 was a "Fitness to Practise Department & Investigations File Note" of the Royal Pharmaceutical Society of Great Britain. Exhibit 2 was a series of documents relating to his application to become registered with the College. In addition to restating how the events of the last few years had made him a better person, Mr. Dhinsa stressed that he had not run away from the problems in Great Britain because his decision to move to Canada preceded the criminal proceedings which he said was evidenced by the various documents.

7. Prior to its August 24, 2012 proposed action the Panel had carefully reviewed the written decision of the GPC Fitness to Practice Committee dated November 18, 2010 and the supporting documents. The Panel has now also carefully reviewed the written and oral submissions of both Mr. Dhinsa and the College. Mr. Dhinsa was provided with a full opportunity to make submissions in person.

8. The Panel has two issues to determine:

- a) Do the facts and circumstances underlying the criminal conviction in Great Britain and the reasons of the GPC Fitness to Practice Committee constitute professional misconduct under the Act; and
- b) If the conduct constitutes professional misconduct, what is the appropriate penalty.

9. Mr. Dhinsa admitted to theft of prescription medication from his employer. He admitted to consuming prescription medication (prescription acne cream) while on duty and placing the used applicator back on the shelf for sale to a consumer. The theft of the prescription medication was both dishonest and a breach of trust. The use of the acne cream and the replacement of the used applicator where it could be purchased by a

consumer was not only dishonest but showed a disregard for the wellbeing of that purchaser and a total lack of knowledge of pharmaceutical practise and practice standards. This conduct is contrary to the ethical and professional standards expected of pharmacists in British Columbia. The Panel was referred to the decision in *Patel v. Ontario College of Pharmacists* [2000] O.J. No. 256 where the Discipline Committee of the Ontario College of Pharmacists found that the submission of claims to an insurer for the dispensing of drugs which claims the pharmacist knew were false or misleading constituted professional misconduct in that it was conduct that would be regarded by members as disgraceful, dishonourable or unprofessional.

10. In the present circumstances the Panel finds that Mr. Dhinsa's conduct underlying his criminal conviction and his removal from the Register of the GPC to be professional misconduct. It is conduct below the standard expected, contrary to the best interests of the public and which brings the profession of pharmacy into disrepute.

11. Having determined that the conduct in question constitutes professional misconduct the Panel considered the appropriate penalty for that conduct. The College referred the Panel to a series of factors to which it could have regard in assessing appropriate penalty. Those factors included the seriousness of the offence, the need to protect the public, general and specific deterrence, the possibility of rehabilitation and any previous discipline imposed on Mr. Dhinsa. The Panel appreciates that the most serious penalty of cancellation should be reserved for very serious misconduct.

12. The Panel was referred to *Goldman v. The Ontario College of Pharmacists* [1997] O.J. No. 4221, where the Ontario Court of Justice upheld a cancellation of a pharmacist's licence to practise. The Panel finds the following quote from that case to be helpful:

“The act is, of course, an act of moral turpitude. It concerns the elementary quality that a professional person must have, that is, integrity. A professional person without honesty is a person that any regulatory body would be entitled, surely, to say ought not to be permitted to practise. There can be no question that what was involved here was not simply overbilling but was in fact fraud”.

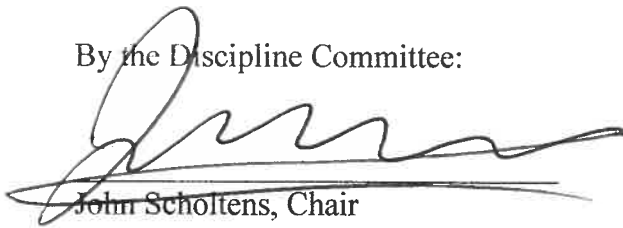
13. In the present case, the Panel finds that the conduct before it for consideration is very serious. It involves theft of prescription medication from an employer and also a disregard for the public by placing the used acne medicine applicator where it could be purchased. The Panel believes that dishonesty and disregard for the public good warrant imposition of the most serious penalty of cancellation. This penalty will protect the public and act as a deterrent for others. Although Mr. Dhinsa may believe that he has been rehabilitated, the Panel found no independent evidence to support this view. Further, the Panel felt that Mr. Dhinsa had not taken responsibility for his conduct based on some of his statements on October 30, 2012. For example, at one point referring to his admissions during police interviews he said words to the effect that his “. . . honesty caught up with him” and “. . . got him into more trouble.” The Panel also noted that Mr. Dhinsa made reference to there being a difference between being the “boss” or an employee with regard

to taking and/or dispensing to himself which indicated a lack of knowledge or appreciation of pharmaceutical practise and practice standards.

14. The Panel found on the materials before it including Mr. Dhinsa's testimony that there was an ongoing inability by Mr. Dhinsa to appreciate what is appropriate professional behaviour. This lack of insight and of professional knowledge and judgment puts the safety of the public at risk and the Panel orders the immediate cancellation of Mr. Dhinsa's registration with the College.

15. Mr. Dhinsa is advised that pursuant to s. 40 of the Act he has the right to appeal this order to the Supreme Court of British Columbia.

By the Discipline Committee:



John Scholtens, Chair

11/1/13.  
Date

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Jeff Slater

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Date

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Peter Cook

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Jeff Slater

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Date

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Date *January 10th 2013*

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Peter Cook

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Date

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