

Discipline Decision: Gregory Harochaw

Pursuant to the Notice of Hearing (the "Notice") dated August 8, 2018, a hearing was conducted by the Discipline Committee of the College of Pharmacists of Manitoba (the "College") at the College offices, 200 Tache Avenue, Winnipeg, Manitoba, on June 13, 2019, with respect to charges formulated by the Registrar of the College alleging that Mr. Gregory Harochaw, being a pharmacist under the provisions of *The Pharmaceutical Act*, C.C.S.M. c.P60 (*The Act*) and a registrant of the College, is guilty of professional misconduct, conduct unbecoming a member, or displayed a lack of skill or judgment in the practice of pharmacy or operation of a pharmacy, or any of the above, as described in section 54 of *The Act*, in that, between December 2016 and September 2017, at Tache Pharmacy located at 400 Tache Avenue, Winnipeg, Manitoba:

1. in his role as pharmacy manager, authorized the compounding of methadone capsules when commercially available methadone products were available in Manitoba, in contravention of section 5.1(e) of Health Canada's Policy on Manufacturing and Compounding Drug Products in Canada (POL-0051) (the "Policy");
2. in his role as pharmacy manager, authorized the prescribing of compounded intranasal naloxone outside of and in excess of the patient-healthcare professional relationship in contravention of sections 2.1, 2.2, and 2.4 of the College's *Practice Direction Prescribing* (the "Practice Direction") and Statement VII of the *Code of Ethics*;
3. in his role as pharmacy manager, between December 5 and 22, 2016, authorized the compounding of intranasal naloxone when a commercially available intranasal naloxone product was available in Manitoba, in contravention of section 5.1(e) of the Policy and section 80 of the *Pharmaceutical Regulation*, Man Reg 185/2013 (the "Regulation"); and
4. in his role as pharmacy manager, authorized the dispensing of medications listed on the Manitoba Prescribing Practices Program (M3P) Schedule, to patients without possessing a valid M3P prescription in contravention of section 31 of the *Narcotic Control Regulations*, CRC, c 1041 (the "NCRs"), and sections 77 and 78 of the *Pharmaceutical Regulation*, Man Reg 185/2013 (the "Regulation"), or any of them; and,
5. in his role as pharmacy manager, authorized the distribution of compounded intranasal naloxone, and in his role as pharmacist, distributed compounded intranasal naloxone outside of and, in excess of, the patient-healthcare professional relationship without valid prescriptions, in contravention of section 5.1(a) of the Policy, as well as sections 2.1, 2.2, and 2.4 of the Practice Direction, or any of them, and Statement VII of the *Code of Ethics*; and,
6. [STAYED].

On August 27, 2018, Mr. Harochaw provided the College's Discipline Committee with his written consent to commence the hearing on a date beyond the 120-day period referenced in subsection 46(2) of *The Act*.

On June 13, 2019, a Panel of the Discipline Committee (the "Panel") convened to address the charges. Mr. Jeff Hirsch appeared as counsel on behalf of the Complaints Committee. Mr. Joseph Pollock appeared on behalf of the Panel. Mr. William Haight appeared on behalf of Mr. Harochaw.

Legal counsel to the Complaints Committee advised that the parties would make separate submissions on disposition with respect to the appropriate fine and contribution to the costs of the investigation and prosecution of the matter. The parties agreed - as part of the disposition - that Mr. Harochaw would not serve as a pharmacy manager for a period of two years commencing June 13, 2019.

Legal counsel for the Complaints Committee recommended to the Panel that Mr. Harochaw:

1. be required to pay a fine of \$12,000;
2. be required to pay a contribution to the costs of the investigation and prosecution of \$8,000; and,
3. be prohibited from being a pharmacy manager for two years commencing June 13, 2019.

Legal counsel for Mr. Harochaw made recommendation on the disposition that Mr. Harochaw:

1. be fined \$5,000;
2. be required to pay a contribution to the costs of the investigation and prosecution of \$5,000; and,
3. would not serve as a pharmacy manager for a period of two years commencing June 13, 2019.

After considering the submissions of counsel, the Panel concluded that Mr. Harochaw be:

1. prohibited from being a pharmacy manager for a two year period commencing June 13, 2019;
2. fined \$10,000.00; and,
3. required to pay a contribution to the costs of the investigation and prosecution of \$8,000.00.

In arriving at its decision, the Panel considered Mr. Harochaw's significant error in professional judgement and lack of responsible communication with the College regarding concerns about procedures and protocols as aggravating factors. The Panel considered Mr. Harochaw's admission of guilt as a mitigating factor.

Based on the foregoing, the Panel was satisfied that this disposition should serve to act as a deterrent, both general and specific, while at the same time ensure that the public's interest was protected and the public's confidence maintained.

DATED at Winnipeg, Manitoba this 27th day of August, 2019.