

**Discipline Decision:
Darren Murphy**

Pursuant to the Notice of Hearing dated the 3rd day of October, 2013, it was alleged that Darren Murphy (“Mr. Murphy”) being a pharmacist under the provisions of the *Act*, and a registrant of the College, was guilty of unskilled practice of pharmacy or professional misconduct, or both, as described in Section 35 of the *Act*, in that, between November 2009, and September 2010, in his role as pharmacy manager and/or pharmacist at the Broadway Pharmacy located at 618 Broadway, Winnipeg, Manitoba; Mr. Murphy entered a plea of guilty to the following, in that:

1. between November 6, 2009, and August 12, 2010, Mr. Murphy failed to provide “patient A” and “patient B,” or either of them, with patient medication counseling in accordance with section 8 of the *Pharmaceutical Regulation*, Man Reg 56/92 (the “*Regulation*”) and sections 2.2, 2.3, 2.12 and 7 of the *MPhA Community Standards of Practice* (the “*Standards*”);
2. between November 6, 2009, and August 12, 2010, Mr. Murphy failed to intervene and document interventions when alerted by the Drug Programs Information Network critical patient care codes, in accordance with section 20 of the *Regulation* and sections 1.7, 1.35 and 7 of the *Standards* and sections 1, 2 and 13 of the *MPhA Code of Ethics* (the “*Code*”);
3. between November 6, 2009, and July 20, 2010, Mr. Murphy dispensed narcotics for “patient A” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 53(1) of the *Narcotic Control Regulations*, C.R.C., c. 1041 (the “*Narcotic Control Regulations*”), sections 20(2)(v), 20(5) and 22.1(3) of the *Regulation*, section 7 of the *Standards* and sections 1, 2 and 13 of the *Code*;
4. on May 22, 2010, and July 5, 2010, Mr. Murphy dispensed benzodiazepines for “patient A” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics and benzodiazepines ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 22.1(3) of the *Regulation*, section 7 of the *Standards* and sections 1, 2 and 13 of the *Code*;
5. between July 29, 2010, and August 12, 2010, Mr. Murphy dispensed narcotics for “patient B” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 53(1) of the *Narcotic Control Regulations*, sections 20(2)(v), 20(5) and 22.1(3) of the *Regulation*, section 7 of the *Standards* and sections 1, 2 and 13 of the *Code*;
6. on July 29, 2010, Mr. Murphy dispensed benzodiazepines for “patient B” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics and benzodiazepines ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 22.1(3) of the *Regulation*, section 7 of the *Standards* and sections 1, 2 and 13 of the *Code*;

7. on multiple occasions between February 22, 2010, and September 16, 2010, while Mr. Murphy was pharmacy manager of Broadway Pharmacy, another pharmacist at Broadway Pharmacy:
- (a) failed to provide “patient A” and “patient B”, or either of them, with patient medication counseling in accordance with section 8 of the *Regulation* and sections 2.2, 2.3, 2.12 and 7 of the *Standards*;
 - (b) failed to intervene and document interventions when alerted by the Drug Programs Information Network critical patient care codes for “patient A” and “patient B”, or either of them, in accordance with section 20 of the *Regulation*, sections 1.7, 1.35 and 7 of the *Standards* and sections 1, 2 and 13 of the *Code*;
 - (c) between February 22, 2010, and June 29, 2010, dispensed narcotics for “patient A” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 53(1) of the *Narcotic Control Regulations*, sections 20(2)(v), 20(5) and 22.1(3) of the *Regulation*, section 7 of the *Standards* and sections 1, 2 and 13 of the *Code*; and
 - (d) between July 26, 2010, and September 16, 2010, dispensed narcotics for “patient B” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 53(1) of the *Narcotic Control Regulations*, sections 20(2)(v), 20(5) and 22.1(3) of the *Regulation*, section 7 of the *Standards* and sections 1, 2 and 13 of the *Code*.

The hearing into the charges commenced on November 7, 2013, and was adjourned sine die by consent of counsel for the College and Mr. Murphy. On April 30, 2015, the Discipline Committee reconvened and accepted Mr. Murphy’s guilty plea to each of the seven (7) counts, and agreed that the sanctions contained in the joint recommended disposition should serve to satisfy that the public’s interest is protected and the public’s confidence is retained. Furthermore, the Committee finds, that Mr. Murphy is guilty of unskilled practice and professional misconduct, and pursuant to section 38(1) (a) and (b) of the *Act*, orders that:

- a) Mr. Murphy would pay a fine of \$4,000.00
- b) Mr. Murphy would pay a contribution to the costs of the College for the investigation and hearing in the amount of \$5,000.00.

Mr. Murphy has complied with the orders stated.