Discipline Decision

Discipline Decision: Jasmine Wong

Pursuant to the Notice of Hearing (the "Notice") dated October 3, 2013, a hearing was convened by the Discipline Committee of the College of Pharmacists of Manitoba (the "College") at the College offices, 200 Tache Avenue, Winnipeg, Manitoba, on November 7, 2013, with respect to charges formulated by the Registrar of the College alleging that Ms. Jasmine Wong, being a pharmacist under the provisions of *The* Pharmaceutical Act, SM 1991-92, c 28 ("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 35 of *The Act*, in that, in her role as pharmacy manager and/or pharmacist at the Four Rivers Pharmacy (now White Cross Pharmacy Wolseley) ("Four Rivers") located at 647 Broadway, Winnipeg, Manitoba, on multiple occasions, Ms. Wong:

- 1. [stayed];
- 2. between December 24, 2009, and September 13, 2010, failed to intervene and document interventions when alerted by the Drug Programs Information Network (DPIN) critical patient care codes for patients "XX" and "XX", 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 MPhA Code of Ethics (the "Code");
- 3. between December 24, 2009, and July 21, 2010, dispensed narcotics for patient "XX" 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 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 April 28, 2010, dispensed benzodiazepines for patient "XX" 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. [stayed];
- 6. [stayed];
- 7. while pharmacy manager of Four Rivers Pharmacy, another pharmacist or pharmacists at Four Rivers Pharmacy:
 - a. [stayed];
 - b. between December 29, 2009, and June 5, 2010, failed to intervene and document interventions when alerted by the DPIN critical patient care codes for patients "XX" and "XX", 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 December 29, 2009, and June 5, 2010, dispensed narcotics for patient "XX" 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 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;

d. between January 21, 2009, and March 29, 2010, dispensed benzodiazepines for patient "XX" 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:

- e. [stayed];
- f. [stayed];
- g. [stayed];
- h. [stayed].

The hearing into the charges convened on November 7, 2013. Mr. Jeff Hirsch ("Mr. Hirsch") appeared as counsel on behalf of the Complaints Committee (the "Committee"). Mr. Jeffrey Rath attended as counsel on behalf of Ms. Wong. Mr. Hirsch then satisfied the Discipline Committee (the "Panel") that the College had jurisdiction to proceed with the hearing in accordance with sub-sections 28(1), 28(2), and 28(3) of *The Act.* The Panel then adjourned the hearing to reconvene at a later date. Several dates were cancelled with the consent of counsel for the Committee, the registrant and the Panel. The Panel reconvened on February 12, 2019.

On February 12, 2019, the Panel reconvened. Mr. Hirsch appeared as counsel on behalf of the Committee. Mr. Michael Cook appeared as legal counsel for Ms. Wong.

A Statement of Agreed Facts was filed in which Ms. Wong agreed with the following facts:

- 1. At the commencement of the hearing before the Panel on November 7, 2013, the Panel found, and Ms. Wong admitted, her membership in the College;
- 2. Ms. Wong, through her then-legal counsel, admitted and the Panel had found that the College had

complied with the requirements of sub-sections 28(2) and 28(3) of *The Act*, and that there has been valid service of the Notice of Hearing dated October 3, 2013;

- 3. The College would be filing an Amended Notice of Hearing at the commencement of the hearing before the Panel on February 12, 2019, and Ms. Wong consented to the filing of the Notice;
- 4. The College would be entering a stay of proceedings on Counts 1, 5, 6, 7(a), (e), (f), (g), and (h) of the Notice; and,
- 5. Ms. Wong had no objection to any of the Panel members nor to legal counsel to the Panel on the basis of bias, a reasonable apprehension of bias, or a conflict of interest.

The Complaints Committee requested that Counts 1, 5, 6, 7(a), (e), (f), (g), and (h) be stayed and a stay of those counts were entered.

The Statement of Agreed Facts (the "Statement") stated that:

- 1. Ms. Wong graduated with her pharmacy degree from the University of Manitoba in 1991;
- 2. Ms. Wong has been registered as a pharmacist under *The Act* since July 5, 1991;
- 3. At all times material to this proceeding, Ms. Wong was a member of the College as a practising pharmacist in Manitoba:
- 4. She practiced retail pharmacy at Ellerby & Hall Chemists from July 1991 to December 1993, at Clinic Arbor Drugs from January 1994 to March 1994, at Selkirk Arbor Drugs from December 1997 to June 2000, at Point Douglas Pharmacy from June 2000 to January 2005, at Four Rivers, located at 647 Broadway Avenue in Winnipeg, Manitoba, from October 2006 to March 2016, at West Broadway Pharmacy and Marion Pharmacy from October 2017 to May 2018, at Marion Pharmacy and West Broadway Pharmacy from May 2018 to September 2018, and at Northway Pharmacy (Charleswood) from September 2018 to the present date; and,
- 5. Ms. Wong had no previous discipline history with the College.

Ms. Wong entered a plea of guilty to counts 2, 3, 4, 7 (b), (c), and (d).

The following admissions were made by Ms. Wong in the Statement:

- 1. Ms. Wong has reviewed the Notice as well as the Statement. She admitted the truth and accuracy of the facts in the Statement and that the witnesses and other evidence available to the College would, if called and otherwise adduced, be substantially in accordance with these facts; and,
- 2. Ms. Wong tendered no evidence and made no submissions on the issue of professional misconduct, other than to admit that the conduct hereinafter described demonstrates a lack of judgment in the practice of pharmacy or operation of a pharmacy and constitutes unskilled practice of pharmacy and professional misconduct as described in sections 35 and 36 of *The Act*.

Mr. Hirsch advised that the parties had agreed upon a joint disposition namely that:

- 1. Ms. Wong pay a fine in the amount of \$3,000.00; and,
- 2. Ms. Wong pay a contribution to the costs of the investigation and hearing in the amount of \$5,000.00.

After having reviewed the authorities provided to the Panel and having considered the joint disposition, the Committee found that the following disposition should serve to protect the public's interest and confidence. The Panel ordered that Ms. Wong:

- 1. pay a fine in the amount of \$3,000.00; and,
- 2. pay a contribution to the costs of the investigation and hearing in the amount of \$5,000.00.

In arriving at its decision, the Panel considered that:

- 1. the penalty is an adequate deterrent for the profession; and,
- 2. Ms. Wong changed her practice as a pharmacist to the satisfaction of the Panel since the case came to the Discipline Committee.

DATED at Winnipeg, Manitoba this 13th day of April, 2019.