



# College of Pharmacists of Manitoba

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## **Decision and Order of the Discipline Committee: Jeffrey Froese**

Pursuant to the Notice of Hearing (the “Notice”) dated August 11, 2020, 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 September 23, 2020, with respect to charges formulated by the Registrar of the College alleging that Mr. Jeffrey Froese, 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 July 2019 and October 2019, at Ebbeling Pharmacy (the “Pharmacy”) located at 722 Watt Street, Winnipeg, Manitoba, Mr. Froese diverted, for his personal use, Tramadol® 200 mg in contravention of Statements VIII and X of the Code of Ethics, or either of them.

The hearing into the charges convened on September 23, 2020. Mr. Jeffrey Hirsch (“Mr. Hirsch”) appeared as counsel on behalf of the Complaints Committee (the “Committee”). Mr. Grant Stefanson (“Mr. Stefanson”) appeared with and on behalf of Mr. Froese. Mr. Joseph Pollock (“Mr. Pollock”) appeared as counsel to the Discipline Committee (the “Panel”).

A Statement of Agreed Facts was filed in which Mr. Froese:

1. admitted his membership in the College.
2. admitted valid service of the Notice of Hearing dated August 11, 2020, and that the College complied with the requirements of sub-sections 46(2) and 46(3) of the Act.
3. had no objection to the composition of the Panel or to legal counsel for the Panel on the basis of bias, a reasonable apprehension of bias or a conflict of interest.
4. indicated he graduated with his pharmacy degree from the University of Manitoba in 2010.
5. indicated he was registered as a pharmacist under the Act since December 15, 2010.
6. admitted that at all times material to this proceeding, he was a member of the College as a practising pharmacist in Manitoba.
7. indicated that as of April 1, 2014, he became an owner of the Pharmacy and held the position of pharmacy manager from February 1, 2015 to July 16, 2015.
8. indicated that he voluntarily surrendered his pharmacist’s licence on July 16, 2015.
9. admitted he was disciplined by the College through a decision and order of the College’s Discipline Committee dated January 17, 2017 (the “Discipline Order”).
10. admitted that the Discipline Order provided that he:
  - a. pay a \$25,000 fine;

- b. pay a \$12,000 contribution to costs;
  - c. was prohibited from being a pharmacy manager until January 17, 2022;
  - d. was prohibited from being a preceptor until January 17, 2022;
  - e. continue with updated counselling for two years;
  - f. submit to random drug and alcohol screening (at his cost) for two years;
  - g. continue to meet regularly with Pharmacists at Risk for two years; and,
  - h. complete in 2017 at least 10 hours of additional professional development in accredited ethics
11. indicated he resumed practice as a pharmacist on March 16, 2017.
  12. admitted that following a relapse in December 2017, he again voluntarily surrendered his pharmacist's licence on January 26, 2018.
  13. admitted that as a result, he was the subject of a Registrar's referral to the Complaints Committee (the "Committee") dated February 22, 2018.
  14. admitted that he underwent a Fitness to Practice Assessment on August 29, 2018, which recommended various addiction support mechanisms; and follow all recommendations as outlined by the College.
  15. admitted that following a meeting with the Committee on October 16, 2018, he signed a Gradual Return to Practice Agreement dated October 24, 2018, as well as a drug and alcohol screening undertaking on October 30, 2018 with the College (the "Undertaking") and his pharmacist's licence was reinstated effective November 28, 2018.
  16. admitted that it was identified by the Pharmacy staff on October 21, 2019, that in 2019, on four occasions between July 25, 2019 and October 4, 2019, a bottle of 100 tablets of Tramadol 200 mg was ordered, delivered to, and paid by the Pharmacy, but not tracked on the Pharmacy Inventory Control log and never entered into stock.
  17. admitted that the College received information about Mr. Froese from his Pharmacy Manager, on October 21, 2019, which indicated that Mr. Froese admitted to the Pharmacy Manager that he had diverted Tramadol from the Pharmacy for his own use.
  18. admitted that Tramadol is a drug with opioid-like effects, including central nervous system depression/sedation, and is used for the management of moderate to moderately severe pain.
  19. admitted that the Tramadol Product Monograph outlines serious warnings and precautions with respect to its use due to risks of addiction, abuse and misuse which can lead to overdose and death. The Monograph states that the drug should be stored securely, to avoid theft or misuse. Further, the Monograph states, "Dependence and abuse, including drug-seeking behavior and taking illicit actions to obtain the drug are not limited to those patients with prior history of opioid dependence. The risk in patients with substance abuse has been observed to be higher."

20. admitted that pursuant to the Undertaking, between July 25 and October 4, 2019, he was being treated by various addiction recovery supports.
21. admitted that he never informed addiction recovery supports of his use of Tramadol during this period of time and denied substance use.
22. admitted that his last use of Tramadol was on October 22, 2019.
23. admitted that Tramadol was not actively prescribed to him by any practitioner and that he diverted this medication to himself without following any of the required processes.
24. admitted that his use of Tramadol at the time was not exclusively for symptom management but was in fact a drug of abuse.
25. indicated that he met with the Registrar and Deputy Registrar of the College on October 22, 2019, and admitted diverting 400 Tramadol tablets from the Pharmacy for his own use.
26. indicated that he voluntarily surrendered his pharmacist's license for the third time on October 22, 2019.
27. agreed that this matter was referred to the Committee by way of a subsection 32(b) Registrar's referral dated November 25, 2019.

Mr. Froese entered a plea of guilty to the count against him in the Notice.

Mr. Hirsch advised that the parties would make a joint recommendation to the disposition.

The parties submitted that in accordance with sections 54, 55 and 56 of the Act:

1. Mr. Froese be suspended from acting as a pharmacist until December 22, 2020, following which his pharmacist licence would be reinstated on December 23, 2020, subject to his compliance with the conditions set out herein;
2. \*prior to resumption of practice, Mr. Froese must successfully complete the PROBE Ethics and Boundaries Program <https://www.cpepdoc.org/cpep-course/probe-ethics-boundaries-program-canada> offered by The Criminalization and Punishment Education Project Canada;
3. prior to resumption of practice, Mr. Froese must participate in a mental health and addiction evaluation conducted by the College's third-party service provider to establish his fitness to resume practice;
4. upon resumption of practice, Mr. Froese be prohibited for a five-year period from ordering or receiving drugs covered under the *Controlled Drugs and Substances Act*, the Narcotic Control Regulations, the Food and Drug Regulations, and/or the Benzodiazepines and Other Targeted Substances Regulations;
5. Mr. Froese be permitted to work as a pharmacist only under the supervision of another pharmacy staff member for a period of five years;
6. Mr. Froese be prohibited from being a manager or preceptor for a period of five years;

7. Mr. Froese participate in and successfully complete a mandatory five-year monitoring program which includes drug screening and addiction support reporting;
8. Mr. Froese enter into a “Last Chance Agreement” with the College in an agreed upon form; and,
9. Mr. Froese pay a contribution to the costs of the investigation and hearing in the amount of \$4,000.

After having reviewed the authorities provided to the Panel and having considered the joint recommendation on disposition submitted by the parties, this panel orders that:

1. Mr. Froese be suspended from acting as a pharmacist until December 22, 2020;
2. \*within 120 days of resuming practice, Mr. Froese must successfully complete the PROBE Ethic and Boundaries Program <https://www.cpepdoc.org/cpep-course/probe-ethics-boundaries-program-canada> offered by The Criminalization and Punishment Education Project Canada;
3. prior to resumption of practice, Mr. Froese must participate in a mental health and addiction evaluation conducted by the College’s third-party service provider to establish his fitness to resume practice;
4. upon resumption of practice, Mr. Froese is prohibited for five years from ordering or receiving drugs covered under the *Controlled Drugs and Substances Act*, the Narcotic Control Regulations, the Food and Drug Regulations, and/or the Benzodiazepines and Other Targeted Substances Regulations;
5. Mr. Froese must work as a pharmacist only under the supervision of another pharmacy staff member for a period of five years;
6. Mr. Froese be prohibited from being a manager or preceptor for a period of five years;
7. Mr. Froese must participate in and successfully complete a mandatory five-year monitoring program which includes drug screening and addiction support reporting;
8. Mr. Froese shall enter into a “Last Chance Agreement” with the College in an agreed upon form; and,
9. Mr. Froese shall pay a contribution to the costs of the investigation and hearing in the amount of \$4,000.

In arriving at its decision, the Panel considered Mr. Froese’s admission of guilt, and the nature of cooperative discussions. The Panel acknowledges and supports that counsel engaged in a collaborative process in establishing a joint recommendation to the disposition in this matter.

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

DATED at Winnipeg, Manitoba this 5<sup>th</sup> day of November, 2020.

\*In paragraph 2 of their joint recommendation, Mr. Hirsch and Mr. Stefanson recommended that prior to resumption of practice, Mr. Froese must successfully complete the PROBE Ethic and Boundaries Program <https://www.cpepdoc.org/cpep-course/probe-ethics-boundaries-program-canada> offered by The Criminalization and Punishment Education Project Canada. On October 26, 2020, Mr. Stefanson advised Mr. Pollock and Mr. Hirsch that the earliest available date for the PROBE Ethic and Boundaries Program is February, 2021. As a result, Mr. Hirsch and Mr. Stefanson recommended to the Panel, and the Panel agreed, to amend paragraph 2 of the disposition by deleting the words “prior to resumption of practice” and replacing them with the words “within 120 days of resuming practice”