

COLLEGE OF PHARMACISTS OF MANITOBA

IN THE MATTER OF: *The Pharmaceutical Act, CCSM c P60*

AND IN THE MATTER OF: **Peter Kovac, a pharmacist registered with the College of Pharmacists of Manitoba**

TO: Peter Kovac

[REDACTED]
[REDACTED]
[REDACTED]

DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

Pursuant to a Notice of Hearing dated April 3, 2025, (the “Notice”) a hearing was convened by the Discipline Committee of the College of Pharmacists of Manitoba (the “College”) at the offices of Thompson Dorfman Sweatman LLP, 242 Hargrave Street, Suite #17, Winnipeg, Manitoba, R3C 0V1, on Wednesday, June 26, 2025, with respect to charges formulated by the College alleging that Peter Kovac (“Kovac”), 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 have displayed a lack of knowledge or 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, at Melita Super Thrifty Pharmacy, 112 Main Street, Melita, Manitoba (the “Pharmacy”):

1. On multiple occasions between December 2021 and February 2022, you failed to process prescriptions in a timely manner and/or failed to appropriately check logged prescriptions, in contravention of section 83 of *The Pharmaceutical Regulation*, Man Reg 185/2013 (the “Regulation”) and Statement VII of the *Code of Ethics* (the “Code”), or either of them;
2. In 2022, you failed to ensure that all medication incidents reports were documented, accessible, and available for regulatory review, in contravention of sections 3.2.6.1 and 4.1 of the *Medication Incidents and Near-Miss Events Practice Direction* (the “Incidents PD”), or either of them;
3. In 2021 and 2022, you failed to ensure that the Pharmacy was appropriately staffed to ensure safe and effective pharmacy practice, in contravention of section 56(1)14 of the Regulation and Statement III of the Code, or either of them;

4. Between September 2020 and July 2021, you prescribed as a continued care prescription and dispensed clonazepam and/or zopiclone to patient “█.” in contravention of sections 83, 122(1) and 122(3) of the Regulation, and Statement VII of the Code, or any of them;
5. With respect to Patient “█.”, you:
 - a. Failed to document relevant clinical discussions and information on the patient profile in a readily accessible manner, in contravention of sections 2.3 and 4.1 of the *Patient Profiles Practice Direction*, and sections 2.1.1, 2.1.2 and 2.1.3 of the *Records and Information Practice Direction* (the “Records PD”), or any of them;
 - b. Between 2021 and 2022, dispensed or authorized the dispensing of narcotic medications, Tylenol #4®, hydromorphone, and fentanyl without determining, or alternatively, without documenting whether there was an actual or potential drug related problem or taking action to address the problem, in contravention of section 83 of the Regulation, sections 2.2.3 and 2.3 of the *Ensuring Patient Safety Practice Direction* (the “Patient Safety PD”), Recommendations 8 and 9 of the 2017 *Canadian Guideline for Opioids for Chronic Non-Cancer Pain*, and Statement VII of the Code, or any of them;
6. With respect to Patient █, you, between 2020 and 2022, dispensed or authorized the dispensing of oxycodone with no or insufficient intervention with the prescribing physician, taking into account the high dosages of the opioids ordered, in contravention of section 83 of the Regulation, sections 2.2.3 and 2.3 of the Patient Safety PD, Recommendations 8 and 9 of the 2017 *Canadian Guideline for Opioids for Chronic Non-Cancer Pain*, and Statement VII of the Code, or any of them;
7. With respect to Patients █, █” and █, between October 2020 and March 2022, you dispensed or authorized the dispensing of benzodiazepines and opioids, including M3P drugs, without ensuring that the prescriptions met all prescription requirements, in contravention of section 37 of the *Narcotic Control Regulations*, C.R.C. c. 1041 (the “NCRs”), sections 69(4), 77 and 83 of the Regulation, the *Companion Document to the CPSM Standards of Practice for Prescribing Opioids and Benzodiazepines and Z-Drugs*, and the *Ensuring Safe Access to M3P Prescriptions during the COVID-19 Outbreak* document, or any of them;
8. As pharmacy manager, you failed to appropriately train and supervise pharmacy assistants in contravention of sections 65(1) and 68(2) of the Regulation and sections 2.10.1, 2.10.2 and 2.10.3 of the *Supervision Practice Direction* (the “Supervision PD”), or any of them;
9. As pharmacy manager, you failed to secure or appropriately document controlled drugs and substances in contravention of section 43 of the NCRs, subsection 72(1)(a) of the *Benzodiazepines and Other Targeted Substances Regulations*, SOR/2000-217, (the “BOTSRs”), section G.03.012 of the *Food and Drug Regulations*, C.R.C. c. 870 (the

“FDRs”), and the *Narcotic and Controlled Drug Accountability Guidelines* (the “Guidelines”), or any of them, in that you:

- a. Between August 2021 and March 2022, failed to ensure that all narcotic and controlled drugs had their perpetual inventory values verified every three months, in contravention of section 2.3.2.2 of the *Drug Distribution and Storage Practice Direction* (the “DDS PD”), sections 2.1.1, 2.1.2. and 2.1.3 of the Records PD, and the Guidelines;
 - b. Between 2021 and 2022, failed to ensure that all discrepancies in the perpetual narcotic and/or controlled drug inventory were investigated and the investigations documented in contravention of section 2.3.2.3 and 2.3.2.4 of the DDS PD, sections 2.1.1, 2.1.2 and 2.1.3 of the Records PD, and the Guidelines, or any of them;
 - c. Between 2020 and 2021, on multiple occasions, you failed to ensure that all unexplained shortages were reported to Health Canada OCS, in contravention of section 42 of the NCRs, section 2.3.2.5 of the DDS PD, and the Guidelines, or any of them;
 - d. Between 2020 and 2021, on multiple occasions, you failed to ensure that all unexplained shortages were reported to the College in contravention of section 2.3.2.5 of the DDS PD, and the Guidelines, or either of them;
 - e. Between 2021 and 2022, you permitted an unauthorized person or persons with access to the dispensary without the appropriate supervision of a pharmacist, in contravention of section 72(1)(a) of the BOTSRs, sections 51(c) and 65(2) of the Regulation, section 2.10.5 of the Supervision PD, and section 2.3.1 of the DDS PD, or any of them; and
 - f. Failed to ensure that the dispensary had secure drug storage, in contravention of 2.2.8 of the *Pharmacy Facilities Practice Direction* (the “Facilities PD”) and section 2.3 of the DDS PD, or either of them;
10. Between 2021 and 2022, you permitted a person without the requisite skill, knowledge and judgment to work in the Pharmacy, in contravention of section 68(2) of the Regulation and Statements II and X of the Code, or any of them;
 11. Between 2021 and 2022, you failed to keep the Pharmacy clean and organized, in contravention of section 2.2.1 of the Facilities PD and 2.1.2 of the Records PD, or either of them;
 12. Between 2021 and 2022, you failed to maintain appropriate prescription files of M3P prescriptions, in contravention of section G.03.004 of the FDRs, section 40 of the NCRs,

section 56(1)12 of the Regulation, 2.1.4.3.2 of the *Refill History Recording System Practice Direction* and section 2.1 of the Records PD, or any of them;

13. On multiple occasions, you failed to cooperate with the College, in contravention of Statement VIII of the Code; and
14. On multiple occasions, you failed to ensure that a pharmacist was present during the posted business hours of the Pharmacy in contravention of section 68 of the Act, section 2.4.1 of the *Lock and Leave Practice Direction* and Statement VII and IX the Code, or any of them.

The hearing into the charges convened on June 26, 2025. Mr. Jeffrey Hirsch and Ms. Sharyne Hamm appeared as counsel on behalf of the Complaints Committee (the “Committee”). Neither Kovac, nor anyone on his behalf, appeared despite having been served. Mr. Joseph A. Pollock appeared as counsel to the Discipline Committee (the “Panel”).

Background

1. A Notice of Hearing was issued to Kovac on or about April 3, 2025 (the “Notice”).
2. Kovac had been largely unresponsive to the College. He did not attend at the initial hearing date of May 14, 2025. That hearing proceeded in his absence, and the Panel heard evidence from Dr. Brent Booker regarding the following:
 - a. Kovac was a member of the College of Pharmacists of Manitoba from June 3, 1987, until he was interim suspended on April 26, 2022;
 - b. A complaint was received by the College on April 26, 2022, and a Registrar’s referral was made on April 27, 2022;
 - c. A referral was made by the Complaints Committee to the Discipline Committee on February 26, 2025;
 - d. Kovac was personally served with a copy of the Notice on April 14, 2025; and
 - e. Kovac was served with particulars of this matter on May 12, 2025.
3. On June 26, 2025, the College proceeded on the evidence outlined in the Affidavit of Emily Kaminsky, affirmed June 10, 2025. It was the position of the Committee that the affidavit evidence established the guilt of Kovac with respect to Counts 1 through 14 contained in the Notice.
4. The Committee asked the Panel to impose the following penalty:
 - a. A fine in the amount of \$5,000.00; and
 - b. A contribution to costs of the investigation and the hearing in the amount of \$12,500.00.

It was the submission of the Committee that:

- the proposed penalty would not only achieve each of the main principles of sentencing, including denunciation, punishment, and specific deterrence for Kovac, but that it would also address the principle of general deterrence to dissuade other registrants from engaging in similar misconduct;
- the proposed fine would denounce Kovac’s conduct, and the publication of the decision would ensure that such denunciation is clearly communicated to the College’s membership and to the public;
- the proposed contribution to costs of \$12,500.00 represented only a small percentage of the College’s actual and anticipated costs;

- the proposed penalty would fall within a range of sentences for similar conduct arising from previous decisions; and
- taken together, the elements of the proposed disposition would illustrate to the public that the College strives to uphold the highest standards of practice in the public interest.

Decision

After reviewing the authorities, the documentary evidence, the affidavit of Emily Kaminsky, and hearing the submissions of counsel for the Committee, no one appearing for Kovac, the Panel:

1. finds that pursuant to section 54 of the Act, Kovac is guilty of professional misconduct, conduct unbecoming a member, and having displayed a lack of knowledge or skill or judgment in the practice of pharmacy or operation of a pharmacy as stated in counts 1 to 14 set out in the Notice;
2. accepts the submission of the Committee to impose a fine of \$5,000.00;
3. rejects the submission of the Committee that Kovac be ordered to pay a contribution to costs of the investigation and hearing in the amount of \$12,500.00; and
4. has determined that Kovac should be ordered to pay a contribution to costs of the investigation and hearing in the amount of \$20,000.00;

Lastly, the Panel hereby orders that the decision of this Panel is to be published and made available to the public, including publication of Kovac's name.

In making this decision, this Panel wishes to note the following:

1. the importance of accountability for all pharmacists and pharmacy managers;
2. Kovac was intentionally evasive in dealing with the College, thereby creating a lengthier and more costly process for the College and its members.
3. Although Kovac was suspended and subsequently decided to avoid all communications from the college, it is important to stress to him and others member of the College that ignoring the College and walking away from the profession will not absolve a member of the consequences of their previous actions.
4. The panel believes that this decision not only achieves each of the main principles of sentencing, including denunciation, punishment, and specific deterrence for Kovac, but that it also addresses the principle of general deterrence to dissuade other registrants from engaging in similar misconduct.
5. The fine denounces Kovac's conduct, and the publication of the decision will ensure that such denunciation is clearly communicated to the College's membership and to the public.
6. The contribution to costs of \$20,000.00 represents only a small percentage of the College's actual and anticipated costs.
7. The disposition falls within a range of sentences for similar conduct arising from previous decisions.

8. Taken together, the elements of the disposition will illustrate to the public that the College strives to uphold the highest standards of practice in the public interest.

Order

This Panel hereby orders that Kovac:

1. is guilty of professional misconduct, conduct unbecoming a member, and having displayed a lack of knowledge or skill or judgment in the practice of pharmacy or operation of a pharmacy, as stated in counts 1 to 14 set out in the Notice;
2. pay a fine of \$5,000.00;
3. to pay a contribution to costs of the investigation and hearing in the amount of \$20,000.00.

Lastly, the Panel hereby orders that the decision of this Panel is to be published and made available to the public, including publication of Kovac's name.

DATED at Winnipeg, Manitoba this 11th day of July, 2025.

THE COLLEGE OF PHARMACISTS OF MANITOBA

Per:



Martha Mikulak
Chair, Discipline Panel

TO: Peter Kovac