

## THE COLLEGE OF PHARMACISTS OF MANITOBA

**In the matter of:**

***The Pharmaceutical Act, C.C.S.M., c.P60***

**And in the matter of:**

**Mohamad Al-Biaty, a pharmacist registered with the  
College of Pharmacists of Manitoba**

**To: Mohamad Al-Biaty**

[REDACTED]

[REDACTED]

### **DECISION AND ORDER OF THE DISCIPLINE COMMITTEE**

Pursuant to a Notice of Hearing dated May 24, 2024, (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, May 28, 2025, with respect to charges formulated by the College alleging that Mohamad Al-Biaty (“Al-Biaty”), 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, having displayed a lack of knowledge or 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, at Shopper Drug Mart #557, 302 North Railway St., Morden Manitoba, (the “Pharmacy”), in the capacity of a pharmacist and/or pharmacy manager :

1. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
2. As pharmacy manager, you failed to implement sufficient written pharmacy policies and procedures for patient counselling in contravention of sections 56(1)1, 56(1)(13), and 73 of the Regulation, and sections 2.2.1, 2.14, 3.1 and 3.2 of the Practice Direction – Patient Counselling (the “Counselling PD”), or any of them;
3. As pharmacy manager, you failed to ensure that patient counselling and patient counselling refusals were documented in contravention of sections 56(1)1, 56(1)13 and 73 of the Regulation, and sections 2.2.1, 2.14, 3.1 and 3.2 of the Counselling PD, or any of them;
4. As pharmacy manager, you failed to ensure that controlled substance counts were conducted properly and accurately in contravention of section 43 of the *Narcotic Control Regulations, C.R.C., c. 1041*, (the “NCRs”), section G.03.012 of the *Food and Drug Regulations, C.R.C., c. 870* (the “FDRs”), subsection 72(1)(a) of the

*Benzodiazepine and Other Targeted Substances Regulation*, SOR/2000-217 (the “BOTSRs”), sections 2.3.1 and 2.3.2 of the Practice Direction – Drug Distribution and Storage (the “DDS PD”), sections 2.1.1, 2.1.2 and 2.1.3 of the Records PD, and the Narcotic and Controlled Drug Accountability Guidelines (the “Guidelines”), or any of them;

5. As pharmacy manager, you failed to ensure all controlled substances had their perpetual inventory values verified every three months in contravention of section 43 of the NCRs, section G.03.012 of the FDRs, subsection 72(1)(1) of the BOTSRs, sections 2.3.1 and 2.3.2.1, 2.3.2.2 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;
6. As pharmacy manager, on multiple occasions between December 29, 2022 and October 16, 2023, you failed to ensure that all discrepancies in the perpetual narcotic and/or controlled drug inventory were investigated and the investigations documented in contravention of sections 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;
7. As pharmacy manager, on multiple occasions between December 29, 2022 and October 16, 2023, you failed to submit Loss and Theft Reports for Controlled Substances and Precursors to the Office of Controlled Substances, Health Canada, in contravention of section 42 of the NCRs, section G.03.013 of the FDRs, subsection 72(2) of the BOTSRs, and the Guidelines, or any of them; and
8. On multiple occasions between December 29, 2022 and October 16, 2023, as pharmacy manager, you failed to submit Loss and Theft Reports for Controlled Substances and Precursors to the College in contravention of section 2.3.2.5 of the DDS PD, and the Guidelines, or either of them.

The hearing into the charges convened on May 28, 2025. Mr. Jeffrey Hirsch and Ms. Sharyne Hamm appeared as counsel on behalf of the Complaints Committee (the “Committee”). Ms. Nicole Smith appeared on behalf of Al-Biaty. Mr. Joseph A. Pollock appeared as counsel to the Discipline Committee (the “Panel”).

A Statement of Agreed Facts (the “Statement”) was filed in which Al-Biaty admitted:

1. his membership in the College of Pharmacists of Manitoba (the “College”).
2. valid service of the Notice and that the College has complied with the requirements of sub-sections 46(2) and 46(3) of *The Pharmaceutical Act*, CCSM c. P60 (the “Act”).
3. he 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.
4. he graduated with his pharmacy degree from the College of Pharmacy at the University of Manitoba in 2017.
5. he has been registered as a pharmacist under the Act since December 31, 2017.

6. at all times material to this proceeding, he was a member of the College as a practising pharmacist in Manitoba.
7. he reviewed the Notice as well as this Statement, and admits 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 tendered, be substantially in accordance with these facts.

## **I. Plea**

Al-Biaty tendered no evidence and made no submissions on the issue of professional misconduct, other than to admit that the conduct described in the Notice demonstrated professional misconduct as described in section 54 of the Act.

Al-Biaty entered a plea of guilty to Counts 2 through 8 as set out in the Notice. He agreed that his admissions and guilty pleas were voluntary, informed and unequivocal. He confirmed that he understood that by pleading guilty, he was giving up his right to contest the factual accuracy of the allegations made against him in the Notice.

The Committee advised the Panel that it would be entering a stay of proceedings with respect to Count 1 of the Notice.

Al-Biaty confirmed his understanding that even though a joint recommendation was made with respect to the appropriate sanction, the Panel - subject to the law applying to joint recommendations - was not bound to follow the joint recommendation, and that the Panel would determine the appropriate penalty after considering the evidence and the submissions of counsel.

Counsel for the Al-Biaty and the Committee jointly recommended that Al-Biaty:

- (a) pay a fine of \$4,000.00, payable within one year of the Panel's Decision and Order;
- (b) be required to take the College's Pharmacy Manager Training Program within 3 months of the Panel's Decision and Order;
- (c) pay a contribution to costs of the investigation and hearing in the amount of \$4,000.00, payable within one year of the Panel's Decision and Order; and

that there be publication of the conviction, penalty and circumstances of the offences, including publication of Al-Biaty's name.

## **II. Decision**

After reviewing the authorities, documentary evidence, the Statement, and hearing the submissions of counsel for the Committee and Al-Biaty, the Panel has:

1. accepted the Committee's request to enter a stay of Count 1 set out in the Notice;
2. found that pursuant to section 54 of the Act, Al-Biaty is guilty of professional misconduct.
3. accepted Al-Biaty's plea of guilty to Counts 2 to 8 as set out in the Notice.
4. accepted the recommended disposition of legal counsel for the Committee and Al-Biaty, and ordered that that Al-Biaty:
  - (a) pay a fine of \$4,000.00, payable within one year of the Panel's Decision and Order;

- (b) be required to take the College's Pharmacy Manager Training Program within 3 months of the Discipline Committee's Decision and Order;
- (c) pay a contribution to costs of the investigation and hearing in the amount of \$4,000.00, payable within one year of the Panel's Decision and Order; and
- (d) that there be publication of the conviction, penalty and circumstances of the offences, including publication of Al-Biaty's name.

In making this decision, the Panel wishes to emphasize the seriousness of these charges against Al-Biaty which include a failure to implement sufficient written pharmacy policies and procedures for patient counselling, including documentation of counselling and declining counselling, ensuring proper controlled substance counts, and documentation surrounding the control of narcotics and Benzodiazepines and other targeted substances ("BOTS"). The Panel would like this decision to act not only as a specific deterrent to Al-Biaty, but as a general deterrent to all pharmacists and pharmacy managers. The obligations of pharmacists and pharmacy managers with respect to patient counselling and controlling narcotics and BOTS cannot be taken lightly, and all proper steps need to be addressed to safely provide medications to the public.

In accepting this joint recommendation, the Panel considered the following factors:

- Al-Biaty inherited what has been referred to as a "hot mess" when he became Pharmacy Manager in Dec 2021, and says he was not properly trained. While the Panel recognized this as a contributing factor, it in no way absolved him from his responsibilities when he took on that role. There are clear written requirements in the Regulation that he had access to. Al-Biaty also worked as a staff pharmacist leading up to his tenure as the Pharmacy Manager, so he ought to have been fully aware of how the department was running;
- There were systemic issues in the pharmacy, in that there were 7 different managers over the course of 3 years;
- Al-Biaty cooperated with the College and investigator during the investigations that occurred over 3 years;
- Al-Biaty was willing to accept responsibility for his actions, pleading guilty to 7 counts brought against him by the Committee, thus avoiding the need for a lengthy hearing;

In arriving at this decision, 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 will be protected and the public's confidence maintained.

## **Order**

This Panel hereby orders that:

1. Count 1 set out in the Notice is stayed;
2. pursuant to section 54 of the Act, Al-Biaty 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 2 to 8 set out in the Notice.

3. Al-Biaty pay a fine of \$4,000.00, payable within one year of the Panel's Decision and Order;
4. Al-Biaty is required to take the College's Pharmacy Manager Training Program within 3 months of the Discipline Committee's Decision and Order;
5. Al-Biaty pay a contribution to costs of the investigation and hearing in the amount of \$4,000.00, payable within one year of the Panel's Decision and Order; and
6. there be publication of the conviction, penalty and circumstances of the offences, including publication of Al-Biaty's name.

DATED at Winnipeg, Manitoba this 31<sup>st</sup> day of July, 2025.

THE COLLEGE OF PHARMACISTS OF MANITOBA

Per: 

Martha Mikulak  
Chair, Discipline Panel

TO: Mohamad Al-Biaty