

THE COLLEGE OF PHARMACISTS OF MANITOBA

In the matter of: *The Pharmaceutical Act, C.C.S.M., c.P60*

And in the matter of: Mitesh Patel, a pharmacist registered with the
College of Pharmacists of Manitoba

[REDACTED]
[REDACTED]
[REDACTED]

DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

Pursuant to the Notice of Hearing (the “Notice”) dated May 24, 2024, a hearing was conducted by the Discipline Committee of the College of Pharmacists of Manitoba (the “College”) at the offices of Thompson Dorfman Sweatman LLP, 1700 - 242 Hargrave Avenue, Winnipeg, Manitoba, R3C 0V1 on November 26, 2024, with respect to charges formulated by the College alleging that Mitesh Patel (“Mr. Patel”), 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 the operation of a pharmacy, or any of the above, as described in section 54 of the Act, in that, at Shoppers Drug Mart No. 557, 302 North Railway Street, Morden, Manitoba (the “Pharmacy”), in the capacity of a pharmacist, Mr. Patel:

1. [REDACTED]
2. on or about March 12, 2022, failed to ensure that patient counselling was conducted with patient [REDACTED] or [REDACTED] agent, on patient [REDACTED] fentanyl prescription at prescription pick-up, or immediately afterwards by phone in contravention of sections 68(1), 68(2) and 73 of the Regulation, section 2.2.1 of Practice Direction – Patient Counselling (the “Patient Counselling PD”), or any of them; and
3. on or about March 12, 2022, failed to document that counselling was provided, or refused, on patient [REDACTED] fentanyl prescription in contravention of sections 3.1 and 3.2 of the Patient Counselling PD, or either of them.

The hearing into the charges convened on November 26, 2024. Mr. Jeffrey Hirsch (“Mr. Hirsch”) and Ms. Sharyne Hamm appeared as counsel on behalf of the Complaints Committee. Ms. Jennifer Sokal (“Ms. Sokal”) appeared with and on behalf of Mr. Patel. Mr. David Marr (“Mr. Marr”) appeared as counsel to the Discipline Committee (the “Panel”).

An Agreed Statement of Agreed Facts (the “Statement”) was filed in which Mr. Patel admitted:

1. his membership in the College;
2. valid service of the Notice of Hearing dated May 24, 2022, and that the College has complied with the requirements of sub-sections 46(2) and 46(3) of the Act;

3. he has 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 Shri Sarvajanic Pharmacy College, in India, in 2010;
5. until he immigrated to Canada, his practice as a pharmacist was regulated by the Gujarat State Pharmacy Council;
6. he was registered as a pharmacist with the Ontario College of Pharmacists starting on August 21, 2015;
7. he has been registered as a pharmacist under the Act since August 13, 2015; and
8. at all times material to this proceeding, he was a member of the College as a practising pharmacist in Manitoba.

The parties further agreed that:

1. Mr. Patel has no previous discipline history with the College;
2. the College has received confirmations of good standing respecting Mr. Patel, from both the Gujarat State Pharmacy Council and the Ontario College of Pharmacists as of April 11, 2013 and June 16, 2020, respectively;
3. Mr. Patel's employment history is as follows:
 - a) from August 2015 to October 2017 Mr. Patel worked with TAL Group Inc. (a recruitment agency) as a relief pharmacist at various pharmacies in Ontario;
 - b) from 2015 to February 2017, Mr. Patel was employed as a staff pharmacist by Shoppers Drug Mart No. 1247, in North Bay, Ontario;
 - c) beginning in or around February 2017 until January 2019, Mr. Patel was employed as a staff pharmacist by Loblaw Pharmacy No. 537, in Windsor, Ontario;
 - d) between July and August 2019, Mr. Patel worked as a relief pharmacist with QRP Pharma Inc., in Windsor, Ontario;
 - e) between September 3, 2019 and November 12, 2019, Mr. Patel was employed as a pharmacy manager at Loblaw Pharmacy No. 4287, in Brighton, Ontario;
 - f) in June of 2020 Mr. Patel applied for registration and initial licensure in Manitoba, pursuant to the Canadian Mobility Agreement;
 - g) between 2021 and 2022 Mr. Patel was employed at Shopper Drug Mart No. 2419, in Winkler, Manitoba; and
 - h) Mr. Patel is currently employed as a relief pharmacist at Shoppers Drug Mart No. 544, in Portage la Prairie, Manitoba;

- i) in the spring and summer of 2022 Mr. Patel was employed full time at the Shopper’s Drug Mart, in Winkler, Manitoba. Mr. Patel would also occasionally work relief shifts at the Shopper’s Drug Mart No. 557, in Morden, Manitoba;
4. Mr. Patel has reviewed the Notice, as well as the Statement of Agreed Facts. He admits the truth and accuracy thereof and that the witnesses and other evidence available to the College would, if called and otherwise tendered, be substantially in accordance therewith;
5. Mr. Patel tendered no evidence and made no submissions on the issues of professional misconduct, other than to admit the conduct hereinbefore described demonstrates professional misconduct as described in section 54 of the Act; and
6. Mr. Patel entered a plea of guilty to counts 2 and 3 as set out in the Notice and the College entered a stay of proceedings with respect to count 1 therein.

Facts and Background

1. The incident giving rise to the charges to which Mr. Patel has entered a plea of guilty involved a prescription by a physician at CancerCare Manitoba for 10 fentanyl 50mcg lollipops, but rather than dispensing them, another pharmacist approved the dispensing of 10 Teva-Fentanyl 50mcg/hour patches.
2. The prescription label applied to the box of fentanyl patches contained the directions approved by the dispensing pharmacist which indicated “apply patch as directed use lollipop for incident pain control place in cheek before trying to get up walking”.
3. While fentanyl lollipops when used “as needed”, provide intermittent, and short acting, 50mcg doses of fentanyl, in contrast, fentanyl patches result in the continuous delivery of 50mcg doses of fentanyl every hour and in a patient who has not gradually developed a tolerance before, such a dose per hour can be dangerous or even fatal.
4. While Mr. Patel had no involvement in the preparation or labelling of the prescription, he was acting as a relief pharmacist and was the pharmacist on duty when the fentanyl prescription was picked up.
5. No patient counselling was recorded as having occurred (or refused) either at the time the prescription was picked up, or at a later date. Mr. Patel acknowledged that had he reviewed the prescription or provided patient counselling in this instance, the errors with the prescription could have been caught during the patient counselling session.

Disposition

Legal counsel for the College and Mr. Patel made a joint submission in respect of an appropriate disposition on penalty, with which the Panel is in agreement. Having found Mr. Patel guilty of professional misconduct as described in section 54 of the Act, the Panel orders pursuant to sections 55 and 56 of the Act that Mr. Patel:

1. pay a fine of \$1,500.00;
2. pay a contribution towards costs of the investigation and hearing in the amount of \$3,000.00;


3. the Panel also orders that the fine and costs be paid within thirty (30) days of the date hereof; and
4. the decision of the Panel will be published and made available to the public pursuant to s.58 of the Act.

In arriving at its decision, the Panel considered the Agreed Statement of Facts and the joint recommendation on disposition and, in particular, that Mr. Patel has no prior record of discipline, that he admitted these charges thereby accepting responsibility and saving the time and expense of what would have been a lengthy hearing.

Based on the foregoing, the Panel is satisfied that this disposition adequately provides a specific deterrence to Mr. Patel, as well as a general deterrence to persuade members of the profession from partaking in similar conduct. Overall, the Panel is satisfied that this decision will serve to ensure that the public's interest is protected and the public's confidence in the profession's ability to properly govern the conduct of its members.

DATED at Winnipeg, Manitoba this 21 day of December, 2024.

THE COLLEGE OF PHARMACISTS OF MANITOBA

Per: 
Martha Mikulak
Chair, Discipline Panel

To: 

