

Discipline Decision

Lavtej Sekhon

Decision and Order of the Discipline Committee:
Lavtej Sekhon

Pursuant to the Notice of Hearing dated May 3, 2016, it was alleged that Mr. Lavtej Sekhon, being a pharmacist and pharmacy manager of Rockwood Pharmacy in Stonewall, under the provisions of *The Pharmaceutical Act, C.C.S.M., c.P60* (the "Act") and a registrant of the College, was guilty of professional misconduct under the Act or had contravened the *Code of Ethics* ("Code") approved pursuant to Section 76(1) of the Act, and acted contrary to his professional duties in his role as a pharmacist and pharmacy manager, in that he:

1. failed to maintain a Perpetual Inventory Record (record of purchases and sales transactions) of a drug or drugs listed in a schedule to the *Controlled Drugs and Substances Act, S.C. 1996, c.19* ("CDSA") between January 2014 and April 30, 2015, in contravention of section 7 of the College's *Practice Direction: Standards of Practice - Community*, sections 30 and 38 of the *Narcotic Control Regulations, C.R.C.C.104*, and in contravention of the College's *Narcotic and Controlled Drug Accountability Guidelines* ("Accountability Guidelines"),
2. failed to complete and record a quarterly physical count of a drug or drugs listed in a schedule to the CDSA between October 2014 and April 30, 2015, in contravention of section 7 of the *Practice Direction: Standards of Practice - Community*, and the *Accountability Guidelines*;
3. failed to report the loss or theft of a drug or drugs listed in a schedule to the CDSA, within 10 days, between May 12, 2015, and August 28, 2015, as required under section 42 of the *Narcotic Control Regulations*, and in contravention of section 7 of the *Practice Direction: Standards of Practice - Community*, and contrary to the *Accountability Guidelines*,
4. failed to take all reasonable steps to protect a drug or drugs listed in a schedule to the CDSA, from a loss or theft as required by section 43 of the *Narcotic Control Regulations*,
5. failed as a pharmacy manager, to take reasonable steps to ensure the pharmacy student, XX, was properly trained and supervised on May 12, 2015, in contravention of section 65(1)(a) and (b), and section 65(2) of the *Pharmaceutical Regulation, Man Reg 185/2013* (the "*Pharmaceutical Regulation*"),
6. failed as a pharmacist, to take reasonable steps to ensure the pharmacy student, XX, was properly trained and supervised on May 12, 2015, in contravention of section 68(1) of the *Pharmaceutical Regulation*;
7. failed as a pharmacy manager, to take reasonable steps to ensure the pharmacy assistant XX, was properly supervised between May 1, 2014, and June 15, 2015, in contravention of section 65(1)(a) and (b), and 65(2) of the *Pharmaceutical Regulation*,
8. failed as a pharmacist, to supervise a pharmacy assistant, XX, between May 1, 2014, and June 15, 2015, in contravention of section 68(1) of the *Pharmaceutical Regulation*;
9. failed to ensure as a pharmacy manager that only a member fill and provide prescriptions to patients by directing pharmacy assistant XX to fill and provide prescriptions to patients on several occasions between May 1, 2014, and

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Lavtej Sekhon Cont'd

June 15, 2015, contrary to section 3(1) of the *Act*, contrary to sections 57, 64 and 68 of the *Pharmaceutical Regulation*; contrary to sections 1,2,7 of the *Practice Direction: Standards of Practice – Community*, contrary to statements I, VII, VIII, X of the Code of Ethics (“Code”) approved pursuant to Section 76(1) of the *Act*, and in contravention of *Practice Direction – Ensuring Patients Safety*, and liable under section 99 of the *Act*;

10. failed to act with honesty and integrity and with respect for the profession in contravention of his ethical obligations outlined in Statements VIII, and X of the *Code*, by altering documents and impeding an investigation between May 12, 2015, and July 13, 2015, related to the actions of student XX, contrary to section 82(6) of the *Act*, and in contravention of sections 1 and 7 of the *Practice Direction: Standards of Practice – Community*,
11. failed to open the Rockwood Pharmacy to the public on several occasions between May 1, 2014, and June 12, 2015, in contravention of section 5 of the *Practice Direction: Standards of Practice – Community*, and section 34(2) of the *Pharmaceutical Regulation*;
12. failed to abide by the suspension of his pharmacist licence and the conditions imposed on him as a pharmacy owner between August 15, 2015, and February 22, 2016, pursuant to section 40(1) of the *Act*, by being in the dispensary at the pharmacy on several occasions, contrary to section 18(b) of the *Pharmaceutical Regulation*, Statement VIII and X of the Code, and section 7 of the *Practice Direction: Standards of Practice – Community*, and

13. failed to abide by the suspension of his pharmacist licence and the conditions imposed on him as a pharmacy owner between August 15, 2015, and March 6, 2016, pursuant to section 40(1) of the *Act*, by practicing pharmacy contrary to section 18(b) of the *Pharmaceutical Regulation*, and Statement VIII and X of the Code and section 7 of the *Practice Direction: Standards of Practice – Community* (the “Charges”).


Mr. Sekhon failed to appear before a panel of the Discipline Committee (the “Panel”) on July 20, 2016. Mr. Anthony Kavanagh appeared as legal counsel on behalf of the Complaints Committee. He provided the Panel with proof that:

1. Mr. Sekhon is a member of the College of Pharmacists of Manitoba;
2. Mr. Sekhon was validly served with the Notice of Hearing dated May 3, 2016; and
3. The College complied with the jurisdictional requirements of sub-sections 46(2) and 46(3) of the *Act*.

After hearing from Mr. Kavanagh, the Panel agreed to adjourn the matter peremptorily to August 30, 2016.

The Panel re-convened on August 30, 2016, but Mr. Sekhon failed to appear. The Panel then proceeded with the hearing in Mr. Sekhon’s absence as it was entitled to do pursuant to section 53 of the *Act*.

The Panel found Mr. Sekhon guilty of all Charges.



In making their decision, the Panel considered the evidence presented by the Complaints Committee and determined that Mr. Sekhon is ungovernable and he had repeatedly displayed a significant disregard for the *Act*, the Regulations and the Code of Ethics. The Panel considered Mr. Sekhon's conduct to pose a significant risk to the public. As such, pursuant to sections 55 and 56 of the *Act*, the Panel ordered:

1. Mr. Sekhon to pay a fine of \$10,000.00;
2. Mr. Sekhon to pay 50% of the costs leading up to the July 20, 2016, hearing;
3. Mr. Sekhon to pay 50% of the costs of the August 30, 2016, hearing;
4. Mr. Sekhon to pay 100% of the costs of the July 20, 2016, hearing;
5. The cancellation of Mr. Sekhon's licence to practice pharmacy; and
6. The cancellation of Mr. Sekhon's registration with the College of Pharmacists of Manitoba.