

Discipline Decision

Discipline Decision: Lorraine Hilderman

Pursuant to the Notice of Hearing (the "Notice") dated October 3, 2013, 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 November 7, 2013, with respect to charges formulated by the Registrar of the College alleging that Ms. Lorraine Hilderman, being a pharmacist under the provisions of *The Pharmaceutical Act*, SM 1991-92, c 28 (*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 35 of *The Act*, in that, in her role as pharmacist at the Four Rivers Pharmacy (now White Cross Pharmacy Wolseley) ("Four Rivers") located at 647 Broadway, Winnipeg, Manitoba, on multiple occasions, Ms. Hilderman:

1. [stayed];
2. between December 29, 2009, and September 15, 2010, failed to intervene and document interventions when alerted by the Drug Programs Information Network (DPIN) critical patient care codes for patients "XX" and "XX", or either of them, in accordance with section 20 of the Regulation, sections 1.7, 1.35 and 7 of the Standards and sections 1, 2 and 13 of the MPhA Code of Ethics (the "Code");
3. between December 29, 2009, and July 19, 2010, dispensed narcotics for patient "XX" with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics and benzodiazepines ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 53(1) of the Narcotic Control Regulations, C.R.C., c. 1041 (the "Narcotic Control Regulations"), sections 20(2)(v), 20(5) and 22.1(3) of the Regulation, section 7 of the Standards and sections 1, 2 and 13 of the Code;
4. on January 21, 2009, February 17, 2010, February 22, 2010, and March 29, 2010, dispensed benzodiazepines for patient "XX" with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics and benzodiazepines ordered and the frequency of administration, in contravention of the duty to not fill a prescription unless the prescribed drug is consistent with standards of care and patient safety and, in contravention of section 22.1(3) of the Regulation, section 7 of the Standards and sections 1, 2 and 13 of the Code;
5. [stayed];
6. [stayed];
7. [stayed];
8. [stayed];
9. [stayed];

The hearing into the charges convened on November 7, 2013. Mr. Jeff Hirsch ("Mr. Hirsch") appeared as

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7. On September 27, 2005, the Discipline Committee of the MPhA accepted Ms. Hilderman's guilty plea to charges of unskilled practice or professional misconduct and, among other things, issued a fine of \$2,000 and a costs order \$5,833.92. The charges related to Ms. Hilderman's improper description on the DPIN of certain drugs dispensed by her and her pharmacy where she was the pharmacy manager. The conviction also involved her failure to keep a proper record and a perpetual inventory of narcotics, as well as her failure to receive a prescription from a practitioner prior to selling verbal prescription narcotics.

The following admissions were made by Ms. Hilderman in the Statement of Agreed Facts:

1. Ms. Hilderman has reviewed the Notice as well as the Statement of Agreed Facts. She admitted 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 adduced, be substantially in accordance with these facts; and,
2. Ms. Hilderman tendered no evidence and made no submissions on the issue of professional misconduct, other than to admit that the conduct hereinafter described demonstrates a lack of judgment in the practice of pharmacy or operation of a pharmacy and constitutes unskilled practice of pharmacy and professional misconduct as described in sections 35 and 36 of *The Act*.

Ms. Hilderman entered a plea of guilty to counts 2, 3, and 4.

The Complaints Committee then requested that Counts 1, 5, 6, 7, 8, and 9 be stayed and a stay of those counts were entered.

Mr. Hirsch advised that the parties had agreed upon a joint disposition namely that:

1. Ms. Hilderman pay a fine in the amount of \$1,000.00; and,
2. Ms. Hilderman pay a contribution to the costs of the investigation and hearing in the amount of \$5,000.00.

After having reviewed the authorities provided to the Panel and having considered the joint disposition, the Committee found that the following disposition should serve to protect the public's interest and confidence. The Panel ordered that Ms. Hilderman:

1. pay a fine in the amount of \$1,000.00; and,
2. pay a contribution to the costs of the investigation and hearing in the amount of \$5,000.00.

In arriving at its decision, the Panel considered that:

1. the penalty is an adequate deterrent to the profession; and,
2. Ms. Hilderman changed her practice as a pharmacist to the satisfaction of the Panel since the case came to the Discipline Committee.

DATED at Winnipeg, Manitoba this 13th day of April, 2019.