

Discipline Decision

Discipline Decision: Vi Tran

Pursuant to the Notice of Hearing (the "Notice") dated February 8, 2019, 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 March 13, 2019, with respect to charges formulated by the Registrar of the College alleging that Mr. Vi Tran, 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 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 54 of *The Act*, in that, between May 2, 2018, and June 8, 2018, at Health Central Pharmacy located at 489 St. Mary's Road, Winnipeg, Manitoba, in his role as pharmacist, pharmacy manager, and/or pharmacy owner, Mr. Tran:

1. [stayed]; and,
2. failed to provide complete directions for use when dispensing a prescription for clonidine to the parent of patient "XX" on May 4, 2018, in contravention of section 71(1)(j) of the Regulation.

The hearing into the charges convened on March 13, 2019. Mr. Joey Pollock appeared as counsel for the Panel of the Discipline Committee (the "Panel"). Mr. Jeff Hirsch appeared as legal counsel on behalf of the Complaints Committee (the "Committee"). Mr. Grant Stefanson appeared as legal counsel to Mr. Tran.

A Statement of Agreed Facts (the "Statement") was filed by the parties which indicated that Mr. Tran:

1. admitted his membership in the College;
2. admitted valid service of the Notice dated February 8, 2019, and that the College complied with the requirements of sub-sections 46(2) and 46(3) of *The Act*;
3. 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. had reviewed the Notice and the Statement, admitted the truth and accuracy of the facts therein, and that the witnesses and other evidence available to the College would, if called and otherwise adduced, be substantially in accordance with those facts;
5. graduated with his pharmacy degree from the University of Manitoba in 1995;
6. had been registered as a pharmacist under *The Act* since July 10, 1995;
7. at all times material to this proceeding, was a member of the College as a practising pharmacist in Manitoba;
8. practised retail pharmacy at various locations in Winnipeg and became the pharmacy owner and manager of Health Central Pharmacy from April 2, 2001, to the present date.

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9. had a previous discipline history with the College that on June 25, 2014, the College's Discipline Committee accepted Mr. Tran's guilty plea to seven counts of unskilled practice or professional misconduct and, among other things, issued a fine of \$1,000 and a contribution to the costs of the prosecution of this matter in the amount of \$3,000. The charges related to, among other things: Mr. Tran's failure to remove expired drugs from his pharmacy; his failure to prepare an incident report and advise a prescribing physician of a medication incident; his failure to properly store and label drug products in the dispensary and in the narcotic safe; and, his failure to ensure that a licensed pharmacist was present in the pharmacy.

Mr. Tran 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 a lack of judgment in the practice of pharmacy or operation of a pharmacy and constituted unskilled practice of pharmacy as described in section 54 of *The Act*.

Mr. Tran entered a plea of guilty to count 2.

The Committee then requested that count 1 be stayed, and a stay of that count was entered by the Panel.

Mr. Hirsch advised the Panel that the parties had agreed upon the following joint disposition:

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

After reviewing the authorities provided to the Panel, and having considered the submissions of Mr. Hirsch and Mr. Stefanson, the Panel ordered that Mr. Tran:

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

The Panel felt it necessary to express to Mr. Tran its concern that he had not demonstrated accountability for his poor professional judgment in that he failed to educate himself on the tools and software in place in his pharmacy which would have permitted him to expand on the instructions for use of a medication on the label.

The Panel encouraged Mr. Tran to consider these concerns and suggested that he take immediate action to educate himself on the tools and software in place in his pharmacy, so as to avoid similar conduct in the future.