

# Discipline Decision

## Shouren Bose

Pursuant to the Notice of Hearing (the “Notice”) dated the 25th day of February, 2014, it was alleged that Mr. Shouren Bose, being a pharmacist under the provisions of the *Pharmaceutical Act* (“Act”), and a registrant of the College, was guilty of unskilled practice and professional misconduct, or both, as described in Section 35 of the *Act*.

Mr. Bose entered a plea of guilty to the following, in that, in his role as pharmacist and/or pharmacy manager at the Prairie Trail Pharmacy located at Suite 100 – 1345 Taylor Avenue, Winnipeg, Manitoba, he:

- Possessed cocaine for personal use in contravention of section 4(1) of the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, (the “CDSA”), and section 2 of the MPhA Code of Ethics (the “Code”);
- Personally misused cocaine in contravention of section 7 of the MPhA Community Standards of Practice (the “Standards”) and section 2 of the Code;
- Supplied drugs listed in a schedule to the CDSA, including morphine tablets and ketamine powder, on multiple occasions to XX, a patient of Prairie Trail Pharmacy, without first receiving a prescription for XX in contravention of section 31 of the Narcotic Control Regulations, C.R.C., c. 1041, section 7 of the Standards, and sections 1, 2, and 13 of the Code;
- Interfered with the College’s investigator who was conducting a preliminary investigation by contacting patient, XX, the complainant, on September 13, 2013, after being specifically instructed by the investigator not to do so and agreeing not to do so, thereby contravening section 2 of the Code;
- Counseled patient, XX, the complainant, on September 13, 2013, to mislead the investigator and to destroy evidence in order to obstruct and mislead the investigator in contravention of section 20(2) of the *Act*, and section 2 of the Code;
- Failed to maintain a Narcotic and Controlled Drug Perpetual Inventory record system and failed to perform and document inventory counts of narcotic and controlled drugs at a minimum of every three months in contravention of the MPhA Narcotic & Controlled Drug Accountability Guidelines;
- Failed to properly store and label finished bulk compounded drug products at Prairie Trail Pharmacy in contravention of sections 13 and 15 of the Pharmaceutical Regulation, Man Reg 56/92 (the “Regulation”), the MPhA Extemporaneous Compounding Guideline, and the MPhA Pharmacy Standards (Minimum Pharmacy Site Requirements) (the “Pharmacy Standards”);
- Failed to properly prepare an oral suspension/syrup of clonidine (the “clonidine solution”) in the prescribed strength, resulting in an overdose and two hypotensive incidents requiring emergency intervention for patient XX, a minor, in contravention of sections 13 and 22.1(2) of the Regulation and sections 1, 2 and 8 of the Code;
- Failed to ensure the extemporaneous preparation of the clonidine solution was done in compliance with the Institute for Safe Medication Practices Safety Bulletin dated February 23, 2011, which was distributed to all members of the College in the MPhA Newsletter dated March 2011, contrary to section 13 of the Regulation and sections 1 and 8 of the Code;
- Misled hospital staff inquiring about the extemporaneous preparation of the clonidine solution thereby concealing the error, compromising the safety of and increasing the risk to patient XX, a minor, in contravention of section 14 of the Regulation;
- Failed to document and advise patient XX, his parent, and the prescribing physician of the medication error in contravention of sections 9.4 and 9.6 of the Standards; and
- Failed to securely retain prescription records in the possession of Prairie Trail Pharmacy in contravention of section 22 of the Regulation, the Pharmacy Standards, and section 18 of *The Personal Health Information Act* C.C.S.M. c.P33.5.

The Discipline Committee (“Committee”) finds that the following disposition should serve to protect public’s interest and confidence. The Committee finds, pursuant to section 36(2) of the Act that Mr. Bose is guilty of unskilled practice and professional misconduct, and pursuant to sections 37 and 38(1)(a) of the *Act*, orders that:

- a) Mr. Bose be suspended for a period of one year, commencing July 8, 2014, and ending July 8, 2015, at which time Mr. Bose may apply to the Registrar for a pharmacist licence; and
- b) During the time Mr. Bose is suspended, he will, at his own cost:
  1. complete a chemical abuse assessment as approved by the Registrar and provide the Registrar with a copy of the findings; and
  2. comply with all recommendations from the chemical abuse assessment and provide monthly reports in writing, supporting satisfactory conduct, to the Registrar; and

3. make and maintain contact with the Pharmacists at Risk Committee and instruct the Committee to contact the Registrar should he fail to maintain a satisfactory relationship with that Committee.
- c) Upon completion of the period of suspension, Mr. Bose may apply for re-instatement of his pharmacist licence, subject to all of the re-licensing requirements of the College.
- d) Upon relicensing with the College, the following conditions will be placed on his licence:
1. he cannot be a pharmacy manager;
  2. he cannot be a preceptor;
  3. he cannot have ordering / signing authority for drugs covered under the Controlled Drugs and Substances Act; and
  4. he cannot work in a pharmacy without another person present in the dispensary.
- e) Upon relicensing by the College, Mr. Bose must advise the pharmacy manager in all pharmacies who employ him in some capacity that:
1. monthly narcotic inventory verification counts must occur;
  2. another pharmacist must verify all calculations for compounding medication before the compounding begins; and
  3. he has restrictions placed on his licence as listed in item “d” above.
- f) Mr. Bose pay a contribution towards the costs of the College for the investigation and hearing in the amount of \$15,000.00 (fifteen thousand dollars) within 30 days of the decision, with no extension being granted.

## Adult Abuse and Child Abuse Registry checks are due June 1, 2016

Practising pharmacists are reminded of their obligation to provide the College a copy of their Child Abuse Registry Checks and Adult Abuse Registry Checks by the June 1, 2016 deadline. It is recommended to apply for these record checks well in advance of the June 1, 2016, deadline. Please see the links below to apply:

Adult Abuse Registry Check\* (must be completed and submitted to the College office before June 1, 2016)

More information - [http://manitoba.ca/fs/pwd/adult\\_abuse\\_registry.html](http://manitoba.ca/fs/pwd/adult_abuse_registry.html)

Form - [http://www.gov.mb.ca/fs/pwd/pubs/adult\\_abuse\\_registry\\_form.pdf](http://www.gov.mb.ca/fs/pwd/pubs/adult_abuse_registry_form.pdf)

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Thank you to those members who submitted their criminal record checks in time for the June 1, 2015, deadline. Those who have not yet provided a criminal record check must pay a fine and submit their criminal record check no later than July 30, 2015. All criminal record checks must be submitted to the College office within 60 days of the June 1, 2015, deadline (July 30, 2015.) Those members who do not comply with this deadline will have their licence suspended for a serious risk to the public.