

DISCIPLINE DECISION

Brenda Cairns

Pursuant to a Notice of Hearing dated the 12th day of January, 2011 (the "Notice"), it was alleged that Brenda Lynne Cairns, being a pharmacist under the provisions of the Act and a registrant of the Association, was guilty of unskilled practice of pharmacy or professional misconduct or both, as described in Section 35 of the Act, in her role as pharmacist or pharmacy manager of the Gilbert Plains Pharmacy located at 26 Main Street N, Gilbert Plains, Manitoba, between June 2010 and August 2010, in that she did:

1. without the approval of the prescribing practitioner, dispense on several occasions the Apotex, Inc. brand of amlodipine when that specific brand was not included as an interchangeable product under the Manitoba Drug Interchangeability Formulary (the "Formulary");

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2. mislabel on several occasions the Apotex Inc, brand of amlodipine using the Drug Identification Number (the "DIN") for the Pfizer brand of amlodipine on the prescription labels and in the pharmacy's computer records; and
3. facilitate or allow the misrepresentation of the DIN for the amlodipine that the pharmacy had dispensed in the pharmacy's billing statements to Manitoba Health;

On February 25, 2011, Ms. Cairns appeared before the Discipline Committee. She was not represented by counsel. Consultation had occurred between counsel for the Association, Mr. Jeff Hirsch, and Ms. Cairns whereby they had reached a consensus, and jointly submitted an extensive Statement of Agreed Facts for consideration by the Committee. Ms. Cairns then proceeded to formally enter a guilty plea for all charges as per the Statement of Agreed Facts as submitted. She followed this with a statement of additional information for consideration by the panel.

Thereafter, Mr. Hirsch and Ms. Cairns submitted a jointly recommended disposition of the matter based upon a finding that the conduct of Ms. Cairns as set out in the Statement of Agreed Facts constitutes unskilled practice and professional misconduct, and making an order that Ms. Cairns:

- a. be issued a letter of reprimand, and
- b. pay a contribution towards the costs of the Association for the investigation and hearing in the amount of \$500.00.

The Committee considered the jointly recommended disposition. The Committee noted that Ms. Cairns had fully cooperated in the investigation, admitted to the charges, accepted responsibility for her conduct, had no prior record of discipline, and that there was no evidence of harm to any patient. The Committee has accepted the joint recommendation for disposition, finds that Ms Cairns is guilty of unskilled practice and professional misconduct, and pursuant to Section 37(1)(a) and 38(1)(a) of the Act, orders that Ms Cairns immediately:

- a. be issued a letter of reprimand: and
- b. pay a contribution towards the costs of the Association for the investigation and hearing in the amount of \$500.00.

Ms. Cairns has complied with this decision.