

Discipline Decision

Jeffrey Froese

Pursuant to the Notice of Hearing (the "Notice") dated the 12th day of September, 2016, it was alleged that Mr. Jeffrey Froese, being a pharmacist 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, conduct unbecoming a member, had contravened the Act, the Practice Direction: Standards of Practice - Community (the "Practice Direction"), the Code of Ethics (the "Code"), 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.

On Tuesday, December 20, 2016, the Committee convened to address the charges. Mr. Jeff Hirsch appeared as legal counsel on behalf of the Complaints Committee. Mr. Aaron Seib appeared with and as legal counsel on behalf of the member Mr. Froese.

Mr. Froese entered a guilty plea to the following charges in that:

between February 2014 and January 2015, as pharmacist or pharmacy manager at and owner of Clinic One, Mr. Froese removed a drug or drugs listed in a schedule to *the Controlled Drugs and Substances Act (CDSA)*, without being authorized by a prescription in contravention of: sections 69, 70, and 71 of the *Pharmaceutical Regulation*, M.R. 185/2013 (the "Regulation"), or any of them; sections 68(d) and 99 of the Act; section 31(1) of the *Narcotic Control Regulations (NCRs)*; Statements VIII and X of the Code; and, sections 1 and 7 of the Practice Direction, or any of them;

in or about July 2015, Mr. Froese devised and/or participated in a fabricated armed robbery which occurred on July 13, 2015, at Ebbeling Pharmacy, and thereby failed to act with honesty, integrity, and respect for the

profession in contravention of section 7 of the Practice Direction, and in contravention of his ethical obligations outlined in Statements VIII or X of the Code, or either of them;

on or about July 13, 2015, Mr. Froese made a false report to the Winnipeg Police Service of an armed robbery on July 13, 2015, at Ebbeling Pharmacy, and thereby failed to act with honesty, integrity, and respect for the profession in contravention of section 7 of the Practice Direction, and in contravention of his ethical obligations outlined in Statements VIII or X of the Code, or either of them;

on or about July 14, 2015, Mr. Froese made a false report to the College of an armed robbery on July 13, 2015, at Ebbeling Pharmacy, and thereby failed to act with honesty, integrity, and respect for the profession in contravention of section 7 of the Practice Direction, and in contravention of his ethical obligations outlined in Statements VIII or X of the Code, or either of them;

on or about July 14, 2015, Mr. Froese made a false loss or theft report to Health Canada relating to the fabricated armed robbery on July 13, 2015, at Ebbeling Pharmacy, and thereby failed to act with honesty, integrity, and respect for the profession in contravention of section 7 of the Practice Direction, and in contravention of his ethical obligations outlined in Statements VIII or X of the Code, or either of them;

between March 2014 and July 15, 2015, as a pharmacist or pharmacy manager at and/or owner of Ebbeling Pharmacy, Mr. Froese removed a drug or drugs listed in a schedule to the CDSA, without being authorized by a prescription in contravention of: sections 69, 70, and 71 of the Regulation, or any of them; sections 68(d) and 99 of the Act; section 31(1)

of the *NCRs*; Statements VIII and X of the Code; and, sections 1 and 7 of the Practice Direction, or any of them; and

on or about July 13, 2015, as a pharmacist or pharmacy manager at and owner of Ebbeling Pharmacy, Mr. Froese improperly disposed of a drug or drugs listed in a schedule to the *CDSA*, in contravention of: Statements VIII and X of the Code, sections 1 and 7 of the Practice Direction, and the Narcotic and Controlled Drug Accountability Guidelines, or any of them.

After having had the opportunity to review the authorities provided to the Discipline Committee and having considered the submissions of legal counsel, the Committee is of the view that the sanctions contained in a joint disposition should serve to satisfy that the public's interest is protected and the public's confidence is retained. As a result, in accordance with sections 54, 55, and 56 of *The Act*, the Discipline Committee ordered that:

1. Mr. Froese pay a fine in the amount of \$25,000.00;
2. Mr. Froese pay as a contribution to the costs of the investigation and the prosecution in the amount of \$12,000.00;
3. Mr. Froese is prohibited from being a pharmacy manager for five years;
4. Mr. Froese is prohibited from being a preceptor for five years;
5. Mr. Froese must continue with updated counselling satisfactory to the College for two years;
6. Mr. Froese must submit to random drug and alcohol screening at his own cost and at a location to be determined by the College for two years;

7. Mr. Froese must continue to meet regularly with the Pharmacists at Risk program for two years; and
8. Mr. Froese must complete in 2017 a minimum of 10 hours of accredited professional development programming in ethics (as determined by the College) in addition to the required 25 hours of professional development.

In arriving at its decision, the Discipline Committee considered the following:

- (a) Mr. Froese's efforts in rehabilitation;
- (b) that much of Mr. Froese's actions and misconduct were driven by addiction;
- (c) the Complaints Committee of the College recommended that the Committee consider Mr. Froese's recovery status with respect to his addiction; and
- (d) that Mr. Froese voluntarily surrendered his practicing licence for 17 months during the process of complaints and discipline action. While voluntarily surrendering his practicing licence is not the same as suspension of his licence by the College, the outcome is similar in that there was a loss of income and ability to practice pharmacy.