

DISCIPLINE DECISION

Floyd Lee

Pursuant to the Notice of Hearing dated the 3rd day of October, 2013, it was alleged that Floyd Lee (“Mr. Lee”), being a pharmacist under the provisions of the *Act*, and a registrant of the College, was guilty of unskilled practice of pharmacy or professional misconduct, or both, as described in Section 35 of the *Act*, in that, between February 2010, and September 2010, in his role as pharmacist at the Broadway Pharmacy located at 618 Broadway, Winnipeg, Manitoba; Mr. Lee entered a plea of guilty to the following, in that:

1. between February 22, 2010, and September 16, 2010, Mr. Lee failed to provide “patient A & “patient B”, or either of them, with patient medication counseling in accordance with section 8 of the Pharmaceutical Regulation, Man Reg 56/92 (the “Regulation”) and sections 2.2, 2.3, 2.12 and 7 of the MPhA Community Standards of Practice (the “Standards”);
2. between February 22, 2010, and September 16, 2010, Mr. Lee failed to intervene and document interventions when alerted by the Drug Programs Information Network critical patient care codes, in accordance with section 20 of the Regulation and 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 February 22, 2010, and June 29, 2010, Mr. Lee dispensed narcotics for “patient A” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics 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; and
4. between July 26, 2010, and September 16, 2010, Mr. Lee dispensed narcotics for “patient B” with either no or insufficient intervention with the prescribing physician, taking into account the high dosages of narcotics 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, 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.

The hearing into the charges commenced on November 7, 2013, and was adjourned sine die by consent of counsel for the College and Mr. Lee. On April 30, 2015, the Discipline Committee accepted Mr. Lee’s guilty plea to each of the four (4) counts, and agreed that the sanctions contained in the joint recommended disposition should serve to satisfy that the public’s interest is protected and the public’s confidence is retained. Furthermore, the Committee finds, that Mr. Lee is guilty of unskilled practice and professional misconduct, and pursuant to section 38(1) (a) and (b) of the *Act*, orders that:

- a) Mr. Lee would pay a fine of \$2,000.00.
- b) Mr. Lee would pay a contribution to the costs of the College for the investigation and hearing in the amount of \$5,000.00.

Mr. Lee has complied with the orders stated.