

THE COLLEGE OF PHARMACISTS OF MANITOBA

In the matter of: *The Pharmaceutical Act, C.C.S.M., c.P60*

And in the matter of: **Kaur Sidhu, a pharmacist registered with the College of Pharmacists of Manitoba**

DECISION AND ORDER OF THE DISCIPLINE COMMITTEE

Pursuant to the Notice of Hearing (the “Notice”) dated December 7, 2018, a hearing was conducted by the Discipline Committee of the College of Pharmacists of Manitoba (the “College”) at the College offices, 200 Tache Avenue, Winnipeg, Manitoba, on September 17, 2019, with respect to charges alleging that Mr. Kaur Sidhu, 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 9, 2016, and June 18, 2018, at River East Pharmacy located at 1417A Henderson Highway, Winnipeg, Manitoba, in his role as pharmacist or pharmacy manager:

1. Failed to appropriately account for narcotic inventory, including expired and patient return narcotics in contravention of the Narcotic & Control Drug Accountability Guidelines (the “Guidelines”);
2. [STAYED];
3. Failed to meet the responsibilities of a pharmacy manager by delegating responsibility related to narcotic inventory management to a pharmacy assistant in contravention of the Guidelines and section 65 of the Pharmaceutical Regulation 185/2013 (the “Regulation”), or either of them;
4. Failed to secure pharmacy records from unauthorized access, theft, use or loss in contravention of sections 56(1)12 and 56(1)15 of the Regulation, sections 2.2.3 and 2.2.8 of the Pharmacy Facilities Practice Direction, and section 2.4.1 of the Records and Information Practice Direction, or any of them; and,
5. Prescribed and dispensed in excess of 200 tablets of an Exempted Codeine Preparation in contravention of section 2.10 of the Exempted Codeine Preparations Practice Direction.

At the hearing, Mr. Jeff Hirsch attended as legal counsel to the Complaints Committee, Mr. David Marr attended as legal counsel to the Panel of the Discipline Committee (the “Panel”), and Mr. Grant Stefanson attended with, and as legal counsel to, Mr. Sidhu.

A Statement of Agreed Facts was filed in which the parties agreed to the following:

1. Mr. Sidhu admitted his membership in the College.

2. Mr. Sidhu admitted valid service of the Notice of Hearing dated December 7, 2018, and that the College complied with the requirements of sub-sections 46(2) and 46(3) of *The Act*.
3. Mr. Sidhu 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. Mr. Sidhu graduated with his pharmacy degree from the University of Manitoba in 1998.
5. Mr. Sidhu was registered as a pharmacist under *The Act* since February 25, 1999.
6. At all times material to this proceeding, Mr. Sidhu was a member of the College as a practising pharmacist in Manitoba.
7. Mr. Sidhu practiced as a retail pharmacist from the time of his initial registration in Manitoba as a pharmacist. Mr. Sidhu was employed by Extra Foods on Notre Dame Avenue in Winnipeg as a pharmacist and pharmacy manager from April through June 1999. From October 1999 through June 2000, he worked at Al-Shifa Pharmacy #2 as a pharmacist and pharmacy manager. Mr. Sidhu was a pharmacist and pharmacy manager at the Zeller's Pharmacy located at 1455 Henderson Highway, in Winnipeg, until October 12, 2010, then worked at Danial Pharmacy from November 2010 until January 2011. Since that time, he owned and operated and worked as the pharmacy manager of River East Pharmacy at 1417A Henderson Highway in Winnipeg.
8. Mr. Sidhu had previous discipline history with the College which included related offences.
9. On May 15, 2012, the Association's Discipline Committee found Mr. Sidhu guilty of 10 counts of professional misconduct and unskilled practice in connection with Mr. Sidhu transferring prescriptions to another pharmacy without obtaining authorization from patients, misidentifying the pharmacy to which the prescriptions were transferred, adding refills to prescriptions without requesting or obtaining authorization from the prescribing physician, transferring prescriptions to a pharmacy not authorized by the patient's agent, contacting patients to have them transfer prescriptions to a pharmacy in which he had or intended to have a direct or indirect financial interest, intentionally misidentified the pharmacy or pharmacies to conceal the true destination of the transferred prescriptions, failed to record the name of the pharmacy filling the prescriptions and using patients' personal health information to contact the customers/ clients and former customers/ clients of the Zellers Pharmacy to solicit their business. Mr. Sidhu was ordered to pay a \$4,000 fine as well as a contribution to the costs of the investigations and proceedings in the amount of \$16,000.
10. On August 17, 2017, the College's Discipline Committee found Mr. Sidhu guilty of two counts of professional misconduct and unskilled practice in connection with Mr. Sidhu dispensing a prescription without confirming the accuracy of the prescription, failing to provide proper patient medication counselling to the patient, failing to document a medication incident and advise the prescribing physician of the medication incident, and contacting a patient with the intent of changing the patient's mind as to the transfer of a medication and/or advancing the commercial interests of a pharmacy in which he has a direct or indirect economic interest. Mr. Sidhu was ordered to pay a \$750 fine as well as a contribution to the costs of the investigations and proceedings in the amount of \$250.

Regarding admission and plea, the Statement of Agreed Facts stated that:

11. Mr. Sidhu reviewed the Notice as well as the Statement of Agreed Facts (the “Statement”). He admitted the truth and accuracy of the facts in the Statement and that the witnesses and other evidence available to the College would, if called and otherwise adduced, be substantially in accordance with these facts.
12. Mr. Sidhu tendered no evidence and made no submissions on the issue of professional misconduct other than to admit that the conduct hereinafter described demonstrates professional misconduct, and a lack of knowledge or skill or judgment in the practice of pharmacy or operation of a pharmacy as described in section 54 of *The Act*.
13. Mr. Sidhu agreed to enter a plea of guilty to counts 1, 3, 4, and 5 set out in the Notice.
14. The Complaints Committee agreed to stay Count 2 set out in the Notice.

The Complaints Committee entered a stay of proceedings with respect to Count 2.

Mr. Sidhu entered a plea of guilty to counts 1, 3, 4, and 5.

After hearing the submissions of counsel for the Complaints Committee and Mr. Sidhu, the Panel found Mr. Sidhu guilty of professional misconduct, and that he displayed a lack of knowledge, skill or judgment in the practice of pharmacy, or operation of a pharmacy as described in section 54 of *The Act*, and, the Panel accepted the joint recommendation of the parties on disposition. The joint recommendation stated and ordered that Mr. Sidhu:

1. pay a fine in the amount of \$5,000;
2. pay a contribution to the costs of the investigation and hearing in the amount of \$7,000;
3. is prohibited from holding the position of pharmacy manager or preceptor for a period of five years; and,
4. is required to successfully complete a College-approved jurisprudence/pharmacy law course no later than October 31, 2021.

In arriving at its decision, the Panel considered the Statement of Agreed Facts and the joint recommendation on disposition, and concluded that the recommended disposition was sufficient to act as a deterrent, both general and specific, and would serve to protect the public’s interest and confidence.

DATED at Winnipeg, Manitoba this 30th day of October, 2019.

THE COLLEGE OF PHARMACISTS OF MANITOBA

Ron Eros, Chair