

Harvey Stein

Discipline Decision

Mr. Harvey Stein appeared before the Discipline Committee on January 6, 2011 and entered a plea of guilty to unskilled practice or professional misconduct in his role as a pharmacist or pharmacy manager in the Nexus Drug Store pharmacy located at 1205 Richard Avenue in Winnipeg, Manitoba, in that on or about 2007, he did:

- receive, or cause to be received, prescription orders for patients located in the United States and in response to those orders sold drugs through its Canadian based merchant account which were not approved for sale in Canada which drugs were dispensed by a New Zealand pharmacy;
- facilitate or allow the name of Nexus Drug Store to be included in a Patient Questionnaire form for a business called "AffordableRX" where the form indicated that Nexus Drug Store was dispensing the medication when he knew or ought to have known that certain medications were not dispensed by Nexus Drug Store;
- fail to notice that the aforementioned Patient Questionnaire forms were not signed by the patients and that the forms were completed by a staff member from the medical clinic located in the United States to which the medication was to be delivered; and
- document that he attempted to provide patient counseling for patients located in the United States and that the patient refused counseling, where he actually did not contact the patient directly and did not receive any instruction from the patient that counseling was being refused.

Having heard the submissions of counsel for the Association and the member, the Committee considered :

- (a) the very serious nature of the charges with respect to patient safety;
- (b) by entering a guilty plea, Mr. Stein has saved the Association both in time and costs ;
- (c) Mr. Stein is a longstanding member of the Association of over 50 years, and that he has had only one other, unrelated, disciplinary action during his career;
- (d) Mr. Stein's financial situation; and
- (e) precedents from previous Discipline Committee decisions.

Based on these considerations and together with all of the circumstances of this case, the Committee ordered that Mr. Stein pay a fine of \$2,000.00 and a portion of the costs in the amount of \$7,500, within 30 days.

Mr. Stein has complied with this decision.