

Ms E – Phar17/400P

Charge

On 7 February 2018, the Health Practitioners Disciplinary Tribunal heard a charge of professional misconduct laid by a Professional Conduct Committee (PCC) appointed by the Pharmacy Council of New Zealand against Ms E, registered pharmacist (the pharmacist).

The charge alleged that the pharmacist conducted herself in a dishonest and/or unprofessional manner in that:

1. On or around 6 November 2015 she created a false prescription in the name of her husband for 100 x 60mg codeine phosphate tablets.
2. On or around 9 November 2015 she presented the false prescription at a pharmacy and was dispensed 200 x 300mg codeine phosphate tablets.
3. On or around 25 November 2015 she created a false prescription in the name of a friend for 60 x 60mg codeine phosphate tablets.
4. On or around 4 December 2015 she presented the false prescription in the name of her friend at the pharmacy counter at a Countdown store.

The hearing proceeded on the basis of an agreed summary of facts and the pharmacist admitted the conduct as charged amounted to professional misconduct.

The pharmacist was charged with forgery and knowingly using forged prescriptions under the Crimes Act. She pleaded guilty to the charges and was discharged without conviction by the District Court. However, the charge was laid for the protection of the public and the maintenance of the high professional standards expected of health practitioners.

Finding

The Tribunal found that the agreed facts upon which the charge was based clearly established that each of the four particulars of the charge set out above, were proven. The Tribunal found that the dishonest conduct must inevitably be seen as a serious departure from the ethical and legal conduct expected of a practitioner. The pharmacist by her conduct has failed to uphold the obligations to her profession and to the public.

Penalty

The pharmacist was censured and conditions were imposed upon her recommencing practice as a pharmacist.

The Tribunal ordered that the Pharmacist pay 25% (\$9,800) of the costs of and incidental to the investigation and prosecution by the PCC and the Tribunal's hearing.

The Tribunal directed that the decision and a summary of the decision be published, subject to the suppression orders.

Permanent suppression of the pharmacist's name was granted given the permanent name suppression granted by the District Court.

The full decision of the Tribunal can be viewed at: [Phar17/400P – Ms E](#)