

Ms Rachel Miriam Knight, Phar20/481P

Charge

On 3 and 4 September 2020 the Health Practitioners Disciplinary Tribunal considered two charges laid by a Professional Conduct Committee against Ms Rachel Miriam Knight, registered pharmacist of Auckland (the Pharmacist).

The charges alleged that the Pharmacist:

Charge 1: Practised without a current Annual Practising Certificate (APC) between on or around 1 April 2018 and on or around 21 November 2018.

Charge 2: Failed to act with integrity, and/or openness, and/or honesty by providing incorrect information to the Pharmacy Council when she submitted an online 'Return to Practice' application on or around 17 November 2018.

Provided a misleading explanation for her actions to the Pharmacy Council when she knew or ought to have known the explanation was misleading.

Background

The Pharmacist's APC expired on 1 April 2018. Emails sent in March 2018, reminding the Pharmacist to apply online to renew her APC and a letter sent to her home address on 20 April 2018 were not seen by the Pharmacist.

The Pharmacist continued to work from 1 April 2018 until 21 November 2018 without an APC.

On 17 November the Pharmacist received and read a letter dated 9 November 2018 sent by the Pharmacy Council advising that she had not held an APC since 1 April 2018 and she would be removed from the Register if she did not respond.

The Pharmacist logged on to the Pharmacy Council's website to apply for a practising certificate. The only applications available to her were a 'Return to Practice' and one to request removal from the Register.

The Pharmacist stated she had difficulty completing the 'Return to Practice' as it did not allow her to provide the correct information around the date she intended to start work as the application could not be backdated.

On 20 November 2018, the Council sent a letter to the Pharmacist proposing to decline her application noting that the Pharmacist had both practised without an APC for over six months and included false information on her application.

The Pharmacist responded explaining her difficulties in completing the application but this was not accepted by the Pharmacy Council as they were able to complete the form in a way that would provide the appropriate information and explanation providing screen shots of the test application they completed to confirm this.

Finding

The hearing proceeded on the basis of an agreed summary of facts.

The Pharmacist admitting the first charge. Regarding the second charge, the Pharmacist admitted she provided incorrect information but denied she intended to mislead the Pharmacy Council or, that she breached the Pharmacy Council's Code of Ethics.

The Tribunal found Charge 1 to be established and sufficiently serious to warrant disciplinary sanction.

The Tribunal found Charge 2 established but not sufficiently serious to warrant disciplinary sanction. The Pharmacist did provide a false declaration to the Pharmacy Council. Although not excusing the Pharmacist's actions of submitting inaccurate information on the "Return to Practice" form the Tribunal found that the Pharmacist did not intend to hide or mislead the Council.

The Pharmacist gave an honest and credible account to the Tribunal of the muddle she found herself in and the steps she took to explain the inaccurate form to the Pharmacy Council. However, the Tribunal did find that there was a breach of the Pharmacist's Code of Ethics in providing the false declaration.

Penalty

The Tribunal:

- censured the Pharmacist;
- fined the Pharmacist \$2,000.00, and
- ordered the Pharmacist to pay costs of \$17,000.00.

The Tribunal directed publication of its decision and a summary.

The full decision of the Tribunal can be found at: [Phar20/481P - Knight](#)