

Ms A, Phar19/467P

Charge

On 7 April 2020 the Health Practitioners Disciplinary Tribunal considered a charges laid by a Professional Conduct Committee against Ms A, registered pharmacist (the Pharmacist).

The charge alleged that the Pharmacist failed to meet her professional obligations and conducted herself in an unprofessional manner in the following ways:

1. The Pharmacist viewed records of patients who were outside of her patient-care duties. The Pharmacist knew or ought to have known that this was inappropriate and was in breach of privacy.
2. The Pharmacist used log-on access of her colleagues to access the records of patients outside of her patient-care duties.

The alleged conduct either separately and/or cumulatively amounted to professional misconduct under the Health Practitioner's Competence Assurance Act 2003.

Background

While working as a pharmacist between 16 May 2016 and 14 July 2017, the Pharmacist accessed medical records of three patients who were outside her patient-care duties. This happened on 12 occasions.

The patients were the Pharmacist's former husband, his then partner and the Pharmacist's own daughter. The Pharmacist used the login details of her colleagues to access this information.

Following an investigation by the District Health Board, the Pharmacist resigned.

The Pharmacist acknowledged that she accessed the records through unauthorised access.

Finding

The hearing proceeded via audio-visual link, based on an agreed summary of facts.

The Tribunal found that the charge was established.

The Tribunal established that it is a significant breach of privacy for a pharmacist to access records for which they have no professional interest or reason to. This was especially so as the persons were known to the Pharmacist. This was aggravated by the access to those records being through other colleagues' log-ons.

The Tribunal found that there had been malpractice on the Pharmacist's part and conduct which brought discredit to her profession.

Penalty

The Tribunal:

- Censured the Pharmacist;
- Ordered the Pharmacist to pay costs of \$1,000.00.

The Tribunal directed publication of its decision and a summary.

The full decision of the Tribunal can be found at: [Phar19/467P](#).