

## Mr Devinda Asoka Joseph Polonowita, Phar20/494P

### Charge

On 11 May 2021 the Health Practitioners Disciplinary Tribunal (the Tribunal) considered a charge laid by a Professional Conduct Committee against Mr Devinda Polonowita, registered pharmacist of Auckland (the Pharmacist).

The charge alleged that during a period from February 2013 to December 2017, when he was working at a community pharmacy that he owned in the Auckland area, the Pharmacist:

1. dispensed methadone to patients
  - inconsistent with prescriptions and dispensing instructions; 1(a), (c), (d), (f), (j)
  - who did not have a prescription; 1(b), (e), (f)
  - failed to observe a change in dispensing instructions; 1(g)
  - failed to liaise with the Hospital pharmacist before dispensing; 1(h)
2. Between May 2017 and July 2017, failed to annotate the prescription numbers, strengths or the doses on methadone prescriptions for patients; 2(a), (b), (c).
3. Between May 2017 and July 2017, failed to retain a complete record of methadone dispensing, including records of prescription numbers, the corresponding dose on the starting date, variations to doses, and correspondence from prescribers;
4. Between March 2017 and December 2017, the Pharmacist dispensed clozapine
  - on 9 occasions to an inactive patient;
  - To the same patient when no satisfactory blood test results were available.
  - Failed to monitor dispensing and follow up on that patient.

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

### Finding

The hearing proceeded on an agreed summary of facts. The Pharmacist admitted the charge and accepted that he was guilty of professional misconduct.

The Tribunal found that the charge was established on each of its particulars. The Tribunal was satisfied that the Pharmacist's acts and omissions cumulatively amounted to professional misconduct. In combination, the Pharmacist's acts and omissions warranted sanction.

### Penalty

The Tribunal:

- Censured the Pharmacist;
- Fined the Pharmacist \$6,000.00;
- Imposed conditions on the Pharmacist;
- Ordered the Pharmacist to pay costs of \$36,000.00.

The full decision of the Tribunal can be found at: [1174Phar20494P.pdf](#)