

Mr Chi-Chang Chen Phar20/498P

Charge

On 29 July 2021, the Health Practitioner's Disciplinary Tribunal (the Tribunal) heard a charge of professional misconduct laid by the Professional Conduct Committee (PCC) appointed by the Pharmacy Council of New Zealand against Mr Chi-Chang Chen, a registered pharmacist of Auckland (the pharmacist).

The charge alleged that the pharmacist:

1. In a period from around January to September 2016, either prepared and/or allowed others working at the pharmacy to prepare, and/or claim for repeat prescriptions without receiving a request from the patient for the repeat prescription.
2. In or around July 2016, the pharmacist allowed degraded medicine to be stored next to uncollected medicine.
3. In a period between February 2016 and August 2018, the pharmacist inappropriately disposed of and/or allowed for the inappropriate disposal of medicines.

The PCC alleged that the conduct amounted to malpractice and/or negligence and was such as to bring discredit to the profession.

The pharmacist admitted Particular 1 of the charge and that his conduct in this respect amounted to malpractice and negligence and brought discredit to the pharmacy profession thus warranting disciplinary sanction.

The pharmacist admitted that there was a period between approximately 9 June and 5 July 2016 during which degraded medication was found next to uncollected medication but denied that the circumstances amounted to malpractice or negligence.

The pharmacist admitted Particular 3 and that it amounted to malpractice and/or negligence and was such as to bring discredit to the profession. He also admitted that his conduct in this respect deserved disciplinary sanction.

Background

The pharmacist began working at the Amarsee Pharmacies in Auckland in October 2014 initially on a part time basis. The pharmacy was shut down by the Ministry of Health for a period in late 2014/early 2015. The responsible pharmacist, Mr Dhanshuk Amarsee, had been removed from the register of pharmacists in late 2014.

To enable the pharmacy to reopen the pharmacist was persuaded to accept 51 percent shareholding in the Amarsee business. However, the pharmacist was not entitled to any profits from the business and he continued to be paid on an hourly rate basis. Mr Dhanshuk Amarsee continued to work at the pharmacy on the basis that he was doing so 'voluntarily'. The pharmacist's control over the business was significantly compromised by these arrangements.

The pharmacy was a busy one and the pharmacist raised concerns about the pressure of work with Mr Amarsee and his son. He was told that the business did not have money to pay for extra staff although a pharmacy technician was employed in due course.

Particular 1 arose because of a Ministry of Health investigation into whether the pharmacy was submitting claims for payment when the medicines had been dispensed by different pharmacies. The pharmacist was aware of what was happening; however he was told by Mr Amarsee to make up repeat prescriptions after Mr Amarsee had contacted the patients.

Particular 2 arose from an announced visit by Ministry of Health representatives who found a half-opened blister pack on a shelf for uncollected medicine.

In relation to the Particular 3, pharmaceutical waste was collected from the Amarsee Pharmacies on 1 February 2016 but did not collect any further waste until August 2018. The pharmacist admitted that either he or the technician would dispose of it down the toilet or the handwash basin.

Finding

The Tribunal found Particular 1 established amounting to professional misconduct deserving disciplinary sanction. The failure of the pharmacist to put a stop to what was happening was negligent conduct.

Particular 2 was not established.

Particular 3 was established amounting to professional misconduct deserving disciplinary sanction.

Penalty

The Tribunal ordered:

- Censure;
- Conditions on practice for a period of one year;
- 25% of the costs amounting to \$20,000.

The Tribunal directed publication of the decision and a summary.

The full decision of the Tribunal can be found here: [Phar20/498P](#)