

Mr John Grant Collett, Phar21/529P

Charge

On 8 December 2021, by audio visual link, the Health Practitioners Disciplinary Tribunal heard a conviction and professional misconduct charge laid by the Professional Conduct Committee appointed by the Pharmacy Council of New Zealand office against Mr John Grant Collett, registered pharmacist of Christchurch (the Pharmacist).

The charge is summarised below and alleged that the Pharmacist:

1. The Pharmacist was convicted in the District Court at Christchurch of an offence against section 11(1)(a) of the Misuse of Drugs Act 1975 in that on or about 13 September 2019 he stole a Class B drug, namely methadone. This conviction reflects adversely on the practitioner's fitness to practise as a pharmacist (section 100(1)(c) of the Health Practitioners Competence Assurance Act 2003 (the Act).
2. Between or around August and September 2019, the Pharmacist while working as a pharmacist at the Pharmacy, committed the following acts or omissions that amount to malpractice or negligence (section 100(1)(a)) and/or brought or likely to bring discredit to the profession (section (1)(b)). Use our formatting

Diluting methadone

Diluted a stock bottle of methadone with a foreign substance, seemingly water on two occasions, 13 and 20 September 2019; and/or

Knew or ought to have known that diluting the methadone could endanger the safety and/or wellbeing of health consumers.

Storage and dispensing of methadone.

While on notice following a Medicines Control audit that the following practices were not acceptable and in contravention to the Misuse of Drugs Regulations 1977 the Pharmacist:

On or around 5 September 2019, pre-prepared two dose(s) of methadone by pouring it into an unmarked and unlabelled cup and storing it in the controlled drug safe; and/or

On or around 6 September 2019, failed to correctly store methadone by leaving a methadone stock bottle on the bench instead of placing it in a locked cupboard or compartment; and/or

Left the pre-prepared doses (both 'consume on premises' and 'takeaway') on the bench instead of placing them in a locked cupboard or compartment;

Failed to keep the cupboard or compartment locked and left the door open; and/or

On or about 19 September 2019, failed to correctly store methadone by leaving a stock bottle on the bench instead of placing it in a locked cupboard or compartment; and/or

On or about 20 September, failed to correctly store methadone by leaving a stock bottle on the bench instead of placing it in a locked cupboard or compartment; and/or

Unauthorised actions

On two occasions in or around August to September 2019, entered the Pharmacy outside normal working hours and at a time when there was no proper basis for him to be there, and disabled the CCTV cameras; and/or

On or about 19 September, without any authority or proper basis, took and/or removed methadone from the Pharmacy.

The conduct alleged above either separately or cumulatively amounts to professional misconduct pursuant to section 100(1)(1)(a) and/or 100(1)(b) of the Act.

A copy of the full charge can be found attached to the decision as Appendix A.

The Pharmacist accepted the charges and the hearing proceeded on the basis of an Agreed Summary of Facts.

Background

The Pharmacy where the Pharmacist worked did not open on a Sunday.

When the owners opened the Pharmacy on the morning of Monday 9 September, they noticed some study material on the dispensary bench that had not been there when they closed on Saturday. An inspection of the alarm log showed that it had been turned off and on twice earlier that morning.

On review of the CCTV footage it was found that the CCTV camera was turned off at about 7.34am. Just before the camera was turned off there was one frame showing the Pharmacist standing by the CCTV unit. At 8.03am the CCTV camera came back on, but no one was captured in the footage. A review of the CCTV footage was undertaken which showed the Pharmacist's handling of methadone as set out in the charge above. This led to an investigation into the Pharmacist's conduct and a conviction in the District Court.

Finding

The Tribunal found Particular 1 established. The Pharmacist's conviction for stealing a controlled drug from his employer reflects adversely on his fitness to practise. The offence was premeditated and could have affected the dose of medication given to patients, a significant issue in relation to the safety and wellbeing of the Pharmacist's patients. The Pharmacist had a responsibility to ensure the secure storage and proper dispensing of controlled drugs. By stealing the controlled drugs for his own use was contrary to his professional responsibility to safeguard them.

The Tribunal found Particular 2 established. The conduct was a significant and serious departure from accepted standards of conduct that brings discredit to the profession and amounts to negligence and/or malpractice. It was conduct that was deliberate and unethical. In relation to the diluting of methadone and the unauthorised actions, each of the particulars were on their own, sufficiently serious to warrant disciplinary sanction.

In relation to storage and dispensing of methadone, one such event might be considered careless and not best practise. However, the Pharmacist had been warned of this shortcoming in his practice but continued not to take heed of the need to comply with the Regulations. The combination of his non-compliance is negligence of a sufficient seriousness to warrant disciplinary sanction.

Penalty

The Tribunal ordered:

- Cancellation of registration.
- Censure.
- Payment of costs of \$9,683.07 amounting to 20% of the PCC costs and 30% of the Tribunal's costs.

The Tribunal directed publication of this decision and a summary subject to the suppression orders it imposed.

The full decision of the Tribunal can be found at: <https://www.hpdt.org.nz/Charge-Details?file=Phar21/529P>