

## Mr Mohammed Abdel Rahim, Phar22/561P

### Charge

A panel of the Health Practitioner's Disciplinary Tribunal (the Tribunal) convened in Dunedin on 1 and 2 May 2022 to hear a charge laid by a Professional Conduct Committee (PCC) appointed by the Pharmacy Council (the Council) of New Zealand against Mr Mohammed Abdel Rahim registered pharmacist of Waverley (the Pharmacist).

The amended Charge summarised below related to the pharmacist's conduct as both a licensed operator and registered pharmacist at Waverley Pharmacy (the Pharmacy) between March 2018 and January 2020, falling broadly into categories of:

1. Falsification of records
2. Making incorrect and/or misleading statements to the Pharmacy Council and to Medicines Control
3. Failure to store controlled drugs securely
4. Failure to keep adequate records in relation to codeine-based products
5. Operation of the Pharmacy in the absence of a pharmacist
6. Falsifying prescriptions and/or dispensing prescription-only medicines without a prescription and/or NHI number
7. Failing to comply with funder's requirements for claims
8. - Authorising supply of pharmacist-only medications ordered on an online pharmacy, without first ensuring the patients were consulted with or assessed.
9. Practising without a current practising certificate

The PCC alleged that this conduct amounts to professional misconduct in that, either separately or cumulatively, it amounts to malpractice or negligence in relation to the pharmacist's scope of practice, and/or it has brought or is likely to bring discredit to the profession.

A full copy of the charge is found in the Appendix to the full decision.

### Background

The Charge arose after two separate individuals brought the pharmacist to the attention of the Pharmacy Council. In May 2019 a local pharmacist alerted the Council that it appeared that the pharmacist was practising without a practising certificate. In December 2019, a pharmacist, who had previously worked as the sole charge pharmacist at the Pharmacy between February and November 2019, notified the Council of various procedural failures of the Pharmacy.

The pharmacist failed to renew his practising certificate (APC) by the renewal date of 31 March 2019. The pharmacist practised the profession of pharmacy without a practising certificate between 15 April 2019 to 17 May 2019.

The Charge alleged that the pharmacist provided misleading and/or incorrect information to both Medicines Control and to the Council on several occasions, alleging that he did not know that his APC had lapsed, that he had not worked at the Pharmacy at a time in which he did, and that he had completed professional development activities which he in fact did not complete, with his record of professional development activities being substantively copied from an exemplar available on the Pharmaceutical Society's website.

The pharmacist failed to ensure that controlled drugs in the Pharmacy were being stored securely. The previous employees of the Pharmacy submitted that the safe for storage of controlled drugs was too small and so some controlled drugs were stored in other parts of the Pharmacy.

There was also evidence of repeated failures to keep adequate records relating to the issuing and/or dispensing of codeine-based products, operation of the Pharmacy without the supervision of a pharmacist on several occasions and dispensing of Prescription-Only medicines without receiving prescription forms for those medicines and/or using falsified details of prescriptions in relation to those medicines.

### Finding

The public have a legitimate expectation that all pharmacists will be trustworthy, honest, and act with the highest possible integrity. Honesty is a fundamental requirement for a health professional dealing with their regulatory bodies, such as the Council and Medicines Control. The pharmacist's conduct in this case demonstrates repeated failures and considerable dishonesty, making it particularly serious.

The Tribunal found that all the particulars of the Charge, aside from particular 4, were established. All other Particulars of the Charge, aside from particular 1, also amounted to professional misconduct. This professional misconduct was sufficiently serious to warrant disciplinary sanction.

### Penalty

The Tribunal considered that the totality of the present conduct might not have warranted cancellation, however, the pharmacist's failure to engage with the Tribunal process made it impossible to understand his willingness or aptitude to undertake any further education or supervision.

Accordingly, the Tribunal ordered:

1. Cancellation with conditions on re-application, namely: The pharmacist may not apply for registration for two years
2. Censure
3. Costs of \$97,378.38, representing 50% of the costs of the PCC and the Tribunal.

The Tribunal directed publication of the decision and a summary. The link to the decision is [Charge Details \(hpdt.org.nz\)](https://www.hpdt.org.nz/charge-details)