

The Charge

A panel of the Health Practitioners Disciplinary Tribunal (the Tribunal) convened on 19 February 2024 to hear disciplinary charges laid by the Professional Conduct Committee (PCC) of the Pharmacy Council of New Zealand (the Council) against Mr Jayant Patel, registered pharmacist of Auckland (the Practitioner).

The charge is summarised below and alleged that the Pharmacist:

1. Has been convicted of the criminal offence of theft in a special relationship, which reflects adversely on his fitness to practise as a pharmacist pursuant to s 100(1)(c) of the Health Practitioners Competence Assurance Act 2003 (the Act).
2. Breached his professional and legal obligations as a pharmacist by selling or supplying the stolen products from the Pharmacy during his employment there between 2016 and 2020. These sales included pharmacy-only medicines not sold from a pharmacy.

The full charge can be found at schedule A of the decision published on the HPDT website.

Background

On 18 May 2012 the Practitioner was employed by the Complainant (Mr E) as a pharmacist. The Practitioner was responsible for ordering dispensing stock and would often work sole charge.

The Practitioner would place an order that included stock he knew was not required by the Pharmacy. When the items were delivered to the Pharmacy he would “zero” the stock ordered on the computer system. He would then place the ordered stock into his vehicle to take home at the end of his shift. The Practitioner then listed and sold the stolen items on Trade Me for a financial gain.

Mr E engaged a private investigator, and on 2 April 2020 during an interview with the private investigator, the Practitioner admitted to the theft of the products from the Pharmacy and provided a statement.

On 9 April 2020 Mr E reported the practitioner’s conduct to the Pharmacy Council and on 7 May 2020, the Pharmacy Council requested that the Practitioner voluntarily surrender his practising certificate. The Practitioner did so and provided an undertaking not to practise.

In July 2022 the Practitioner was charged in the District Court with theft by a person in a special relationship. The Practitioner subsequently entered a guilty plea. He paid full reparation to Mr E plus a further reparation for the private investigator fees.

On 18 May 2023 the Practitioner was convicted and sentenced to six months’ community detention, 120 hours community work and an emotional harm payment of \$1,500 to Mr E.

Finding

The Tribunal found:

Charge 1 was established. The theft and subsequent conduct of the Practitioner in relation to the pharmacy products reflects adversely on his fitness to practise.

Charge 2 was established as malpractice and negligence in relation to the pharmacy-only medicines. The Tribunal was satisfied that Practitioner’s conduct was a departure from the standards of ethical conduct prescribed by the Pharmacy Council and was conduct that has brought, and is likely to bring, discredit to the profession.

Penalty

The Tribunal ordered:

- Cancellation of registration.
- The Practitioner must not apply for re-registration with the Pharmacy Council for a period of six months from the date of cancellation.
- The Practitioner must, at his own cost, successfully complete a course of training or instruction addressing the legal and professional obligations for pharmacists, as approved by the Pharmacy Council, before applying for re-registration.
- Censure.
- Payment of costs of \$41,000, being 30% of PCC and Tribunal costs.

The Tribunal directed publication of this decision. The link to the decision is on the Tribunal's website [here](#).