

BUSINESS SERVICES

Company Commercial
Commercial Property
Dispute Resolution
Employment
Planning
Pharmacy and Healthcare
Insurance Litigation

We also offer a full range of personal legal services

PHARMACY & HEALTHCARE REGULATION

RPS Case Update January 2009

Referral Decision Rescinded

Facts: A Superintendent was referred to the Disciplinary Committee by the Investigating Committee, despite a recommendation by the Fitness to Practise Directorate that a letter of advice be given and the superintendent's representation that he would accept such a letter, was rescinded. Instead a Letter of Advice was given but there is still question as to whether that was even appropriate. Unfortunately a lacuna in the procedural rules mean that a letter of advice cannot be appealed yet remains on this superintendent's record indefinitely.

Result: Letter of Advice

The Key to Investigations

Facts: Despite a 7 hour interview under caution concerning numerous allegations by the Inspector against this Superintendent, the Fitness to Practise Directorate only put one allegation to him. The sole allegation concerned the responsibility for ensuring that the CD cabinet keys were kept safe and secure. In 2004, the pharmacist in charge left the keys in a tub under the counter. The Superintendent believed the keys were kept on the pharmacist's person at all times. The case highlighted the importance of dealing fully with allegations at interview to avoid being drawn into the full Disciplinary Committee process.

Result: Letter of Advice

Pensioner Receives Warnings

Facts: A locum pharmacist now retired made a single dispensing error in 2004. The Investigating Committee asked the pharmacist to accept a letter of warning which remains on his record should he apply to practise again.

Result: Letter of Warning

Measure to Measure

Facts: Allegations of failing to check calculations and measurements when making up methadone mixture were not found by the Investigating Committee to show sufficient proof of this pharmacist's fitness to practice being impaired.

Result: Letter of Advice

Delivery Driver in the Dock

Facts: A relief driver making collections and deliveries over a busy holiday period delivered gliclazide to the wrong patient. The patient's family administered the medication for 2 days following which the patient became hypoglycaemic and died. It was not clear on the evidence whether the wrong medication was mixed up with the patient's correct medication at the pharmacy or by the driver. The coroner found no evidence of gross negligence.

Result: Accidental Death

See over for contact details...

PHARMACY & HEALTHCARE REGULATION

CONTINUED

If you would like to know more about the subjects covered in this publication or our services, please contact:

Denis Keegan
dk@dolegal.co.uk
01727 735624

Amanda Henry
aah@dolegal.co.uk
01727 738242

www.dolegal.co.uk

HEAD OFFICE

Ivy House
107 St Peter's Street
St Albans
Hertfordshire
AL1 3EW

DX 6105 St Albans
Tel: 01727 837161
Fax: 01727 830506

ALSO AT
RADLETT
01923 857171

DEBENHAMS ♦ OTTAWAY
SOLICITORS

Regulated by Solicitors Regulation Authority

This information has been prepared by Debenhams Ottaway as a general guide only and does not constitute advice on any specific matter. We recommend that you seek professional advice before taking action. No liability can be accepted by us for any action taken or not taken as a result of this information.