

STATUTORY COMMITTEE OF THE PHARMACEUTICAL SOCIETY OF NORTHERN
IRELAND

In the matter of: Dr John Kurtis Moffatt (5843)

Location: This hearing took place at the premises of the Pharmaceutical Society NI, 73 University Street, Belfast, BT7 1HL.

Date: 20th and 21st April 2023

Committee: Mr Gary Potter (Chair), Mr Paul Archer (Lay), Mrs Liz Kerr (Registrant)

Persons Present and Capacity: Dr John Kurtis Moffatt (Registrant), Mr Barry Gibson Barrister, instructed by MSM Solicitors, Mr JonPaul Shields, Barrister, instructed by Ms Anna McClintock, CFR Solicitors (PSNI's Legal Representatives), Mrs Laura Hughes Registrar, Ms Bronagh Conlon, Paralegal.

Service

1. The Committee satisfied itself that service of the Notice of Hearing was properly effected. The Notice of Hearing, dated 6th December 2022, was sent to the Registrant's registered address on the same date. The hearing was originally listed for the 12th and 13th of January 2023, but a postponement application, on behalf of the Registrant, was granted and the hearing relisted for the 20th and 21st of April 2023. The Committee was satisfied that the notice provided was more than the 35 days' notice required to be given under Regulation 18 of The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (NI) 2012 ('the Regulations').

2. The Committee had before it a hearing bundle, numbering pages 1 – 158. The Committee also had before it a second bundle from the Registrant, numbering pages 1-254.
3. During the duration of the proceedings the Committee also considered the following documents:

Exhibit 1: Statement of Case on behalf of the Society, dated 6th April 2023

Exhibit 2: Fitness to Practise Statement of Case, on behalf of the Society, received 19th April 2023.

Exhibit 3: Scrutiny Committee Papers, received 20th April 2023.

Exhibit 4: Position Paper on behalf of Dr John Kurtis Moffatt (included at pages 4-13 of the Registrant's Bundle).

Exhibit 5: Set of 4 references provided by the Registrant, received 20th April 2023.

PRELIMINARY LEGAL ARGUMENT

4. The Committee received no preliminary legal arguments.

ALLEGATIONS

5. The Registrant faced the following allegations:

Misconduct:

1. *On 11th June 2021, whilst employed as a locum pharmacist for Bestway Belfast Chemists Ltd t/a Well Pharmacy, at 26 The Diamond, Rathcoole, Newtownabbey, and whilst undertaking the role of Responsible*

Pharmacist within that pharmacy, you abused your position as the Responsible Pharmacist and unlawfully obtained a controlled drug listed in Schedule 4 of Part 1 of the Misuse of Drugs Regulations (Northern Ireland) 2002 and in Schedule 2 to the Misuse of Drugs Act 1971, namely two boxes of Diazepam 5mg (28 tablets).

Criminal Convictions:

2. On 31st May 2022, at Laganside Courthouse, you pleaded guilty to and were convicted of three separate offences particularised below: -

- (i) On the 8th day of June 2021, you stole toiletries to the value of £30.35 belonging to David McLornan and Well Pharmacy contrary to Section 1 of the Theft Act (Northern Ireland) 1969;*
- (ii) On the 11th day of June 2021, you stole Diazepam tablets belonging to David McLornan and Well Pharmacy contrary to Section 1 of the Theft Act (Northern Ireland) 1969; and*
- (iii) On the 11th day of June 2021, you unlawfully had in your possession a controlled drug of Class C of Schedule 2 to the Misuse of Drugs Act 1971, namely Diazepam in contravention of section 5(1) of the Misuse of Drugs Act 1971, contrary to Section 5(2) of the Misuse of Drugs Act 1971.*

3. On 7th July 2022, you were sentenced to a Community Service Order requiring you to perform 150 hours of unpaid work.

FACTS

6. On 20th April 2023, the Committee received submissions from Mr Gibson that the Registrant accepted the allegations as outlined.

7. The Committee had received a Statement of Case from the Society (Exhibit 1). The parties agreed that the circumstances as laid out in paragraphs 1-11 of the Statement of Case are agreed as the facts of the case.

8. The Statement of Case outlined the following facts:

1. *The Registrant is currently registered as a pharmacist with the Pharmaceutical Society of Northern Ireland ("the Society").*
2. *On 8th and 11th June 2021, the Registrant was working as a locum pharmacist for Bestway Belfast Chemists Ltd t/a Well Pharmacy, at 26 The Diamond, Rathcoole, Newtownabbey ("the Pharmacy"). The Registrant was also the responsible pharmacist on both occasions.*
3. *The Registrant, on 8th June 2021, was seen by staff members to take various items from the shop area of the Pharmacy. These goods were valued at £30.25. He took five items and placed them into a white carrier bag. He made no effort to pay for the items. These items were then placed into his own rucksack and removed from the Pharmacy. CCTV footage was checked and confirmed the theft.*
4. *On 11th June 2021, the Registrant, whilst working in the Pharmacy, was again observed stealing two boxes of Diazepam 5mg tablets (56). The Registrant had put two boxes of Diazepam into a white paper bag that would ordinarily be used to dispense prescriptions. This bag was sitting in the dispensary on the staff side of the counter. When the Registrant left the Pharmacy at approximately 5.30pm, he lifted his belongings and the Diazepam and left the Pharmacy. He had no authority to remove the Diazepam and had no prescriptions authorising the dispensing. This theft was also captured on CCTV.*
5. *As the Registrant was not authorised to dispense the Diazepam, its removal from the Pharmacy and his possession of it and was unlawful.*

6. *The matter was reported by staff members to the Area Manager, [REDACTED]. An internal investigation was commenced, which confirmed the actions of the Registrant, as described. On 16th June 2021, the incidents were reported to the police and the Registrant was investigated for the matters stated.*
7. *The Registrant was interviewed and, in a prepared statement, accepted that he "did take some items from the pharmacy that were not paid for or processed properly". He made no further comment during the interview process.*
8. *On 31st May 2022, at Laganside Courthouse, the Registrant pleaded guilty to, and was convicted of, three separate offences particularised below: -*
 - (i) *On the 8th day of June 2021, he stole toiletries to the value of £30.35 belonging to [REDACTED] and Well Pharmacy contrary to Section 1 of the Theft Act (Northern Ireland) 1969;*
 - (ii) *On the 11th day of June 2021, he stole Diazepam tablets belonging to [REDACTED] and Well Pharmacy contrary to Section 1 of the Theft Act (Northern Ireland) 1969; and*
 - (iii) *On the 11th day of June 2021, he unlawfully had in his possession a controlled drug of Class C of Schedule 2 to the Misuse of Drugs Act 1971, namely Diazepam in contravention of section 5(1) of the Misuse of Drugs Act 1971, contrary to Section 5(2) of the Misuse of Drugs Act 1971.*
9. *On 7th July 2022, the Registrant was sentenced to a Community Service Order requiring him to perform 150 hours of unpaid work.*
10. *The actions of the Registrant in stealing items from the Pharmacy were (i) dishonest and (ii) a breach of trust.*
11. *As responsible pharmacist on 11th June 2021, the Registrant abused his position by unlawfully appropriating controlled drugs.*

9. As the Registrant accepted the facts as set out in paragraph eight, the Committee found the facts proved by reason of that admission under Regulation 34(6) of the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012, (the Regulations).
10. Accordingly, the Committee found the allegations proved.
11. The Committee then moved to consider the issue of impairment of Fitness to Practise. The Committee received a Fitness to Practise Statement of Case, by the Pharmaceutical Society NI, Exhibit 2. The Committee received oral submissions from Mr Shields on behalf of the Society and from Mr Gibson on behalf of the Registrant. Dr Moffatt also provided oral evidence, and was cross examined by Mr Shields.

DECISION ON IMPAIRMENT OF FITNESS TO PRACTICE

12. In this case, misconduct has been admitted by the Registrant through his Counsel.
13. The Committee has considered relevant case law, and in particular,

- (a) In GMC –v- Meadow 2006 EWCA CIV 1319, the Court of Appeal said,

"The purpose of FTP procedures is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practice. The (Panel) thus looks forward not back. However, in order to form a view as to the fitness of a person to practice today, it is evident that it will have to take account of the way in which the person concerned has acted or failed to act in the past."

- (b) In CHRE –v- NMC & Grant 2011 EWHC 927 the Court confirmed the test to be applied was a current, forward looking one, confirming the question that the committee has to ask itself and determine was:

"Is this registrant's current fitness to practice impaired?"

- (c) Further, in *Cohen –v- GMC* 2008 EWHC 581 the Court said,

"As assessment of current fitness to practice will nevertheless involve consideration of past misconduct and of any steps taken subsequently by the practitioner to remedy it;"; and

"It must be highly relevant in determining if a doctor's fitness to practice is impaired that first his or her conduct which led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated."

14. The Committee considered the provisions of Regulation 4(2) of the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practice and Disqualification) Regulations (N.I.) 2012 ("the Regulations"). They provide mandatory criteria that this Committee must have regard to when considering whether or not a person's fitness to practice is in fact currently impaired. Regulation 4(2) states;

"In relation to evidence about the conduct or behaviour of the registered person which might cast doubt on whether the requirements as to fitness to practice are met in relation to the registered person, the statutory committee must have regard to whether or not that conduct or behaviour –

- (a) Presents an actual or potential risk to patients or to the public;*
- (b) Has brought or might bring, the profession of pharmacy into disrepute;*
- (c) Has breached one of the fundamental principles of the profession of pharmacy as defined in the standards, or*
- (d) Shows that the integrity of the registered person can no longer be relied upon."*

15. Submissions were received on behalf of the Society from Mr. Shields, and on behalf of the Registrant from Mr. Gibson. Whether or not submissions had been made to the Committee, the Committee is nevertheless required to make an independent decision about whether the registrant's Fitness to practise is impaired.

16. In this case, the Committee was informed that the Registrant -

- (i) Was the Responsible Pharmacist for the pharmacy business on both 8th and 11th June 2021, having de facto control of the operation of the pharmacy;
- (ii) Abused his position of trust both as an employee locum pharmacist and as Responsible Pharmacist;
- (iii) Stole toiletry items from the pharmacy on 8th June 2021;
- (iv) Stole two boxes of 28 Diazepam 5mg on 11th June 2021, a controlled drug of Class C of Schedule 2 to the Misuse of Drugs Act 1971;
- (v) Took possession of controlled drugs without any lawful authority;
- (vi) Acted, on two occasions, dishonestly. By pleading guilty to two offences of theft, the Registrant has accepted that his conduct was dishonest on both occasions;
- (vii) When interviewed by police on 22nd December 2021, the Registrant refused to answer almost all of the questions put to him, but did provide a written statement indicating that he "did take some items from the pharmacy that were not paid for or processed properly";
- (viii) The conduct and criminality was linked to activity within a pharmacy; and
- (ix) The privileged access and control given to the Registrant as a pharmacist facilitated the commission of repeat offending and diversion of medication.

17. The Committee must look at any steps that have been taken by the Registrant to remediate, and consider whether the Registrant has insight into the source of his failings, whether there has been effective remediation, and whether there is any risk of recurrence.

18. Having considered written submissions and the Registrant's oral testimony the Committee did not think that the Registrant has demonstrated sufficient insight. As to remediation, the offences were of dishonesty, which are serious offences. The Committee acknowledged that remediating dishonesty is very difficult. Further, given the facts giving rise to allegations, and an investigation, and the provision of a Warning by the Scrutiny Committee on 7th January 2016, this Committee could not be satisfied that there is not a risk of recurrence.

19. In his evidence the Registrant did not demonstrate any insight into the potential impact of his actions on his former employers and their staff. He did not demonstrate any insight into the potential damage to the reputation of the Pharmacy profession.
20. Nor did the Committee consider that there was sufficient insight into the cause or causes of the two offences of dishonesty. The Registrant was questioned about the reasons why he stole the Diazepam and what his intentions were in doing so. The Registrant was not formally interviewed by the police until December 2021, some six months after the offences took place, by which time he had plenty of time to reflect on his behaviour and the reasons for it. He said that on the advice of his solicitor he provided the police with a pre-prepared statement and declined to make any further comment to the police. The Committee had the benefit of the pre-prepared statement. Within that statement the Registrant said,

"I have been under considerable strain in my personal life particularly in advance of these incidents."

The Committee also had the benefit of the police interview with the Registrant in which he mainly gave "no comment" answers, but when he was asked,

"Q. Can you confirm please that you have provided this document (the pre-prepared statement) and you agree with the comments of this document?"

A. Yes."

The Registrant had an opportunity at this stage to tell the police why he stole the goods, in particular the Diazepam, and what his intentions were. The Registrant told the Committee that he declined to comment on legal advice. However, what he did say in his pre-prepared statement, (that he told the police he agreed with), was that in advance of the offences he had been under considerable strain in his personal life, making no reference to any professional life difficulties, nor making any reference to what his intentions were with regard to the Diazepam.

21. He first contacted his GP by telephone on the 30th June 2021 approximately two weeks after the offences took place on the 8th and 11th June 2021. Whilst the Registrant maintained in his evidence that he made multiple attempts to telephone his GP Practice in respect of [REDACTED] before the offences took place, the Committee found it somewhat surprising that he was not able to make any contact at all with a GP until after the offences took place. On the 30th June 2021 the GP's notes from a telephone consultation with the Registrant states,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]."

There was no evidence in any previous GP records concerning [REDACTED] in either his personal or professional life before the 30th June 2021. The Committee noted that the first report of any difficulties was not until after the offences took place.

22. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

23. Under cross examination, the Registrant stated that he did not [REDACTED]
[REDACTED]
[REDACTED] He also said that he did not know it was illegal to possess Diazepam without the necessary authority, a prescription. The Committee note that the

Registrant has been a qualified Pharmacist from 2014 and the Committee found this lack of fundamental knowledge surprising.

24. The Committee was satisfied that the Registrant was in possession of a Class C of Schedule 2 drug, given to him by a colleague which [REDACTED], and that he stole two packets of Diazepam containing twenty-eight tablets each on the 11th June 2021, with his intention in stealing that medication being unclear on the evidence.

25. The Registrant saw [REDACTED], from September 2021. She stated in her report that the Registrant [REDACTED]

[REDACTED]

26. The Committee was provided with a copy of the Magistrates' Court Report compiled by the Probation Board for Northern Ireland dated the 30th June 2022, for his Court appearance on the 7th July 2022. He told the Probation Officer approximately one year after the offences,

"At the time of his offending he was [REDACTED] which he attributes to the demands and pressures from working in healthcare during the Covid 19 pandemic."

During the pre-sentence interview the Registrant described,

*"That from January 2021 [REDACTED]
[REDACTED]
[REDACTED] Mr. Moffatt states that he was working 100-hour weeks as he was employed as a pharmacist full-time, studying for his PHD and then involved in the Covid 19 vaccine distribution programme in the evenings".*

The Committee noted that the Registrant had told the police in his pre-prepared statement that the [REDACTED]
[REDACTED]. In his evidence he said that he had completed his PhD in 2019 and that he had resigned from Queen's University as a Post-Doctorate Researcher in January 2021. He then said that he did continue on with work at Queen's University, but accepted that this was entirely his choice and that he was involved in the publication of papers up to June 2022 in spite of the fact that the number of hours that he said that he was working were [REDACTED]
[REDACTED]. The Registrant said that he had hoped to obtain a lectureship arising from this work.

27. Further, the Registrant told the Probation Officer that the demands from his work routine had had a significant [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. This conflicts with his oral evidence, where he stated on several occasions, that his intention [REDACTED]
[REDACTED]. An issue arose as to whether [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED].

28. The Registrant told the Probation officer that with regards to the theft of the toiletries on the 8th June 2021 he was unable to advise why he had taken the items and described the incident as "blurry". However, in his evidence he was able to describe exactly what he did at the time that he committed this act of dishonesty. He said that in taking these items it was a "cry for help". For the first time, in his evidence, he said that he spoke to the other staff members at the time and said, "don't let me leave without paying". He had never made that case before to any person or in any document. The statement from the staff member witnessing the theft on the 8th June 2021 made no reference to any such conversation or statement. This point was never raised with the police.

29. [REDACTED] Provided a report on behalf of the Registrant for the assistance of the Committee. [REDACTED] recorded that,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]".

There was no reference to [REDACTED] of stealing the Diazepam [REDACTED]. The Registrant accepted that difficulties with relationships in fact related to significant difficulties in 2015, not in the period leading up to the offences in June 2021.

30. The Committee felt that the Registrant's testimony was inconsistent and unclear at times. The Committee did not think that the Registrant had provided a clear and consistent history as to why he committed the offences, and in particular why he stole the Diazepam and what his intentions were with regard to a Class C of Schedule 2 drug. The Committee did not think that the evidence taken in its totality

demonstrated sufficient insight. Nor did the Committee think that there was sufficient evidence of effective remediation.

31. As to the risks of recurrence the Committee was provided with details and documents relating to similar events which occurred in 2015. On 7th January 2016, a Scrutiny Committee issued a Warning to the Registrant with respect to the following conduct, (i) dispensing a POM without a valid prescription and without payment, (ii) making a false entry into a PMR, (iii) taking cash from the pharmacy, and (iv) improperly using vouchers. This misconduct occurred on 5th March 2015 when the Registrant was employed as a pharmacist by Boots in Newtownards. He was not regarded as having been dishonest on this occasion and asserted there was a personal reason to explain and excuse his conduct. This was put forward as an aberration that would never recur. The Scrutiny Committee warned the Registrant about repetition. In spite of the clear Warning provided by the Scrutiny Committee which the Registrant accepted, just over five years later in June 2021 the Registrant committed two offences of dishonesty, and was convicted of them in July 2022. In the circumstances the Committee could not be satisfied that there was not a material risk of repetition in the future in spite of the steps that the Registrant had taken to address his health issues, and alcohol issues, after the offences took place.
32. The Committee also took into consideration the wider public interest when determining the question of impairment.
33. The Statutory Committee is entitled, and in fact obliged, to have regard to the public interest in the form of (a) upholding standards, and (b) maintaining public confidence in the pharmaceutical profession generally, and in the individual pharmacist in particular, when determining whether established behaviour currently impairs the fitness to practise of a Registrant.
34. The Committee also accepts that there were clear breaches of Regulation 4(2) of the Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practice & Disqualification) Regulations (NI) 2012 at sub-paragraphs (a) (b) and (c). The Registrant's actions have certainly brought the profession of pharmacy into disrepute. He has certainly breached a number of fundamental principles of the

profession of pharmacy as defined in the standards. The Committee felt that a number of provisions of the Pharmaceutical Society of Northern Ireland Code 2016 were breached including but not limited to Principle 3,

"Act with professionalism and integrity at all times and, in particular, standard 3.1 and the associated obligations set out below.

- . *Standard 3.1 – act with honesty and integrity at all times.*
- . *Standard 3.1.1 – adhere to accepted and acceptable standards of personal and professional conduct at all times both inside and outside the work environment.*
- . *Standard 3.1.2 – maintain public trust and confidence in your profession by acting with honesty and integrity in your dealings with others. This applies to your profession, business and educational activities."*

35. Further the Committee noted the provisions of the Pharmacy (Northern Ireland) Order 1976, Schedule 3, Paragraph 4(1)(d),

*"4.—(1) A person's fitness to practise is to be regarded as "impaired" for the purposes of this Order only by reason of—
a conviction in the British Islands for a criminal offence;"*

36. The Committee acknowledge general mitigating factors in relation to the Registrant's approach to the criminal and regulatory processes, his treatment for mental health and alcohol issues, after June 2021, and his progress in an alternative employment setting. However, these factors are more relevant to consideration of the appropriate sanction. The Committee conclude that on the evidence the Registrant's Fitness to Practise is currently impaired.

INTERIM ORDER

37. At this stage, the Committee received submissions from Mr Shields that Dr Moffatt was currently subject to an Interim Suspension Order and before moving to the Sanction stage of the proceedings, the Committee should deal the existing Interim

Order, as per Paragraph 8(10) of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976. The Committee accordingly revoked the Interim Suspension Order relating to Dr John Kurtis Moffatt.

DECISION AS TO SANCTION

38. The Committee is grateful for the detailed submissions on behalf of the Society, from Mr Shields, and on behalf of the Registrant, from Mr Gibson.
39. The Committee has reviewed the Indicative Sanctions Guidance and reminded itself that its decision must be proportionate.
40. The Committee acknowledges that the purpose of the sanction is not to be punitive, but to protect the public interest, and that the sanction it determines should impose no greater restriction on the Registrant than is absolutely necessary to achieve regulatory objectives.
41. The Committee is entitled to give greater weight to issues of public interest, and to the need to maintain public confidence in the profession, than to the consequences to the Registrant herself of the imposition of the appropriate sanction.
42. The Committee has to take into consideration issues of protection of the public, maintenance of public confidence in the profession and the maintenance of proper standards of professional behaviour.
43. As is required, the Committee considered all the potential sanctions available to it, starting with the lowest potential sanction, to decide which was the most appropriate and proportionate sanction in the circumstances of this particular case.
44. The Committee considered both relevant mitigating and aggravating circumstances.
45. As to mitigating factors the Committee took into consideration that:

- a) He cooperated with investigations from the very start.
- b) He made admissions as to guilt from the very start.
- c) He pleaded guilty to the charges at the first opportunity, at his first appearance in Court, on 7th July 2022.
- d) He accepted the penalty imposed by the District Judge of a Community Service Order of 150 hours.
- e) He completed the Community Service Order within four to six weeks.
- f) He did attend his General Practitioner and took the medication prescribed to him for his mental health issues.
- g) Whilst the Registrant [REDACTED]
[REDACTED]
[REDACTED].
- h) He has had the regulatory proceedings hanging over him for approaching two years.
- i) He cooperated with the Society and accepted the imposition of an Interim Suspension Order, and the renewal of that on several occasions, without any challenge.
- j) The Registrant has achieved employment [REDACTED], which he enjoys, and within which he has been placed in a position of trust, being responsible for over forty employees.
- k) He had a very impressive academic record at school, at university and in respect of a Doctorate. He has published quite a number of research papers of benefit to the pharmacy profession.
- l) He gave evidence before the Committee and subjected himself to rigorous, but fair, cross examination.
- m) The Committee also took into consideration that on the evidence in this case there was no patient harm.

46. As to aggravating factors the Committee took into consideration that:

- n) The Registrant was convicted of two offences of dishonesty arising from events on the 8th and 11th June 2021. One of these offences concerned the theft of a Class C of Schedule 2 drug.
- o) Offences of dishonesty are very serious, and the Committee consider that it is difficult to remediate against dishonesty.

- p) By his actions he has damaged his own personal and professional reputation.
- q) By his actions he has damaged the reputation of the pharmacy profession.
- r) The Committee took into consideration that the Registrant had been involved in previous similar behaviour in 2015, which was considered by the Scrutiny Committee who Warned the Registrant about his behaviour. However, the Registrant ignored that Warning by his actions in June 2021.
- s) By his actions the Registrant had abused his position as a registered Pharmacist. The Registrant's behaviour amounted a significant breach of the Code of Conduct, Ethics and Performance.
- t) Whilst the Registrant had shown some insight into his behaviour, the Committee was not satisfied that the Registrant had shown sufficient insight into his actions, as set out in its findings, in relation to impairment.

47. Addressing the potential sanctions available, the Committee first considered whether taking no action was appropriate. Given the Committee's findings on misconduct and current impairment of fitness to practise, quite simply, taking no action would not be proportionate or in the public interest.
48. Similarly, giving the Registrant a Warning would, quite simply, not be proportionate or in the public interest. The totality of the facts that have been now agreed, and misconduct admitted, involved very serious matters, and gave rise to serious breaches of the professional standards.
49. If the Committee were to impose Conditions, it is reminded that the Conditions have to be workable in that they are appropriate to remediate the reasons for the Registrant's current impairment, that they have a realistic chance of being met by the Registrant, that they are capable of being verified by the Statutory Committee on completion, and that they are appropriate to protect the public. The Committee was invited to consider the imposition of Conditions, however, the Committee felt that Conditions would not be workable and would be difficult to verify in this case. The Registrant gave evidence that he was not intending to return to the profession in the foreseeable future and Conditions concerning supervision or the manner in which he practiced would quite simply not be workable. The imposition of

Conditions would be suitable to a case where it was necessary to remedy deficient clinical practice. Here, the Registrant had been involved in two incidences of dishonesty. In these circumstances the imposition of Conditions is unlikely to meet the regulatory objective, and protect the public.

50. The Committee then considered the sanction of Suspension and whether this sanction would maintain public confidence in the pharmacy profession and be in the public interest. The Committee noted that a Suspension may be required to highlight to the profession as a whole, and to the public in general, that the conduct of a Registrant is unacceptable and unbefitting a member of the pharmacy profession. The Committee did consider that Suspension for a period of 12 months was the most appropriate and proportionate sanction, that protected the public interest, and met the regulatory objective. This sanction should highlight to the profession and the public at large that the dishonest conduct of the Registrant is unacceptable and unbefitting a member of the pharmacy profession. However, taking everything into consideration, the Committee felt that the conduct fell just short of being fundamentally incompatible with continued registration.
51. In imposing a Suspension Order for twelve months this order will be reviewed by the Statutory Committee at that stage. This Committee has number of expectations which it hopes that the Registrant will address before the Suspension is reviewed. The Committee expects:
- a) That the Registrant should, at his own expense, engage with [REDACTED] [REDACTED] to address all the issues that have arisen in this case, including:
 - i. Deficiencies in his insight
 - ii. How to deal with stress in his personal and or professional life
 - b) That the Registrant should produce a detailed report from his [REDACTED] [REDACTED] in advance of the review hearing.
 - c) That the Registrant should be assessed [REDACTED], at his own expense, who should produce a report for consideration by the Committee in advance of the review.

- d) That the Registrant should produce a personal written reflective piece, which demonstrates insight into his significant breach of professional standards and the personal actions he has taken to remediate during the year.
52. The Committee reminds the Registrant, on the review of the Suspension, if that Committee considers that the Registrant's fitness to practise remains impaired the Committee can not only give directions to further suspend the Registrant from practice, but could also strike off the Registrant's name from the Register.
53. As to Removal from the register, whilst the Registrant's dishonesty was very serious, the Committee felt, taking all matters into consideration, that the Registrant's behaviour fell just short of being fundamentally incompatible with continued registration, and removing the Registrant from the register was not in fact the only means by which the public could be protected, and confidence in the pharmacy profession be maintained. The Committee felt that the imposition of a Suspension for twelve months, with a review hearing, taking all things into consideration, was the appropriate and proportionate sanction to achieve the regulatory objectives in this case.

INTERIM MEASURE

54. A period of 28 days is allowed for a registrant to lodge an appeal with the High Court. The decision of the Committee is not formally imposed until this period of appeal has formally ended or, where an appeal is brought, the date on which the appeal is fully disposed of. If the Committee considers that it is in the public interest to do so, it has the power to impose 'interim measures' until the appeal period is over or, if an appeal is successfully lodged, until the appeal has been fully disposed of.
55. The Committee received a submission from the Society in favour of imposing an interim measure to cover the appeal period. Mr Gibson did not oppose the imposition on behalf of the Registrant. In light of the serious nature of the findings

in this case the Committee considered that the imposition of an Interim Measure was appropriate and necessary in relation to public safety and the broader public interest. The Registrant will therefore be suspended for the duration of the 28-day appeal period, or if an appeal is brought, up to the date when that appeal is fully disposed of.

COSTS

56. No cost application was made.

Gary Potter

Chair of the Statutory Committee

21st April 2023