

PROVINCE OF NEW BRUNSWICK
NEW BRUNSWICK PHARMACY ACT, 2014, C. 9, S.N.B.;
NEW BRUNSWICK COLLEGE OF PHARMACISTS;

IN THE MATTER of ALLEGATIONS of PROFESSIONAL MISCONDUCT
AGAINST: **Diane ROY, Pharmacist License #2073**

Notice and Charge

PROVINCE OF NEW BRUNSWICK
NEW BRUNSWICK PHARMACY ACT, 2014, C. 9, S.N.B.;
NEW BRUNSWICK COLLEGE OF PHARMACISTS;

IN THE MATTER of ALLEGATIONS of PROFESSIONAL MISCONDUCT
AGAINST: DIANE ROY, PHARMACIST

WHEREAS:

Diane Roy is a Pharmacist, member of the New Brunswick College of Pharmacists (NBCP), who has been charged with allegations of professional misconduct;

Client AA, filed a complaint on November 7th, 2016 alleging that Diane Roy divulged confidential medical/prescription information to an individual outside the circle of patient care without patient consent. This constitutes professional misconduct in contravention of NBCP's Code of Ethics, the Standards of Practice of the profession, the New Brunswick Pharmacy Regulations (2014) and New Brunswick's Personal Health Information Privacy and Access Act (PHIPAA).

The April 21st, 2017 Complaints Committee of the NBCP referred the matter to the Discipline and Fitness to Practise Committee for further review; and

It is the duty of the NBCP to establish, maintain and develop standards of practice and professional ethics among its members.

NOTICE

NOW THEREFORE TAKE NOTICE THAT:

The Discipline and Fitness to Practise Committee of the NBCP has been directed by its Complaints Committee to hear and determine allegations of professional misconduct against Diane Roy, being a complaint that Diane Roy:

Divulged confidential medical/prescription information to an individual outside the circle of care without patient consent.

The Hearing into this matter will be held on January 24, 2018 at the Delta Beausejour, 770 Main Street, Moncton, New Brunswick, E1C 1E6, at 9:15 a.m.

CHARGE

The charge is that Diane Roy:

Divulged confidential medical/prescription information to an individual outside the circle of care without patient consent.

The conduct of Diane Roy constitutes professional misconduct with respect to:

- i. NBCP's Code of Ethics (2003) Statement IV:
"A Pharmacist...shall respect and protect the patient's right of confidentiality."
- ii. Model Standards of Practice for Canadian Pharmacists (2009) Sections:
"4(2) demonstrate personal and professional integrity"
"4(4) adhere to applicable laws, regulations and policies applicable to pharmacy practice"
"4(11) ensure confidentiality of patient information is maintained"
- iii. New Brunswick Pharmacy Regulations (2014) Section 17.25,
"...no information contained on a prescription or a client medication profile shall be released to any person without the express consent of the client."
- iv. New Brunswick's Personal Health Information Privacy and Access Act (PHIPAA) 76(3) a,
"A custodian or information manager commits an offence if the custodian or information manager (a) collects, uses, sells or discloses personal health information contrary to this Act"

and therefore engaged in:

Professional misconduct as defined in Section 69(1) of the New Brunswick Pharmacy Act, (2014) and the New Brunswick Pharmacy Regulations (2014) 6.7 (f), (i), and (aa)

NEW BRUNSWICK COLLEGE OF
PHARMACISTS



K. Mulherin

For

Per: Martine Chiasson
Chair Complaints Committee