

PROVINCE OF NEW BRUNSWICK

NEW BRUNSWICK PHARMACY ACT, 2014, C.9, SNB;

NEW BRUNSWICK COLLEGE OF PHARMACISTS;

IN THE MATTER of ALLEGATIONS of PROFESSIONAL MISCONDUCT
AGAINST: **DOUGLAS MacQUARRIE, Pharmacist Licence #2813**

**ORDER OF THE DISCIPLINE
AND FITNESS TO PRACTICE COMMITTEE**

WHEREAS on October 11, 2016 a formal Complaint was filed by a representative of the New Brunswick College of Pharmacists (“NBCP”) against Douglas MacQuarrie (“Member”), (the “Complaint”);

AND WHEREAS the NBCP’s Deputy Registrar and Administrator of Complaints filed a subsequent Complaint on March 29, 2017;

AND WHEREAS the Complaint was examined by the Complaints Committee on April 28, 2017 and subsequently referred to the Discipline and Fitness to Practice Committee of the NBCP for a formal hearing in accordance with *An Act Respecting the New Brunswick College of Pharmacists* and the Regulations of the NBCP on the following basis:

1. Mr. Douglas MacQuarrie falsified records of patient assessment and methadone administration by obscuring initials originally recorded and then applying his own thereby committing professional misconduct in contravention of *NBCP’s Methadone Practice Directive*, the *NBCP’s Code of Ethics*, the *Standards of Practice* of the profession and the *New Brunswick Pharmacy Act* and Regulations;
2. Mr. Douglas MacQuarrie made false and misleading claims to the NBCP’s Investigator and the Administrator of Complaints denying false documentation of methadone administration thereby committing a second act of professional misconduct in contravention of *NBCP’s Code of Ethics*, the *Standards of Practice* of the profession and the *New Brunswick Pharmacy Act* and Regulations.

AND WHEREAS a Hearing was scheduled to take place on February 27, 2018 at the Delta Beauséjour, located at 770 Main Street, Moncton, New Brunswick, at 9:15 am (“Disciplinary Hearing”);

AND WHEREAS the parties entered into an *Agreed Statement of Facts and Joint Submissions on Penalty* on February 27th, 2018;

AND WHEREAS the *Agreed Statement of Facts and Joint Submissions on Penalty* represents to be in the overall interest of the profession and the public, mainly through the unreserved acceptance of responsibility by the Member in relation to the specific allegations raised in the Complaint, pertaining, more specifically, to the falsification of records of patient assessment and methadone administration and making false and misleading claims to the NBCP's Investigator and the Deputy Registrar/Administrator of Complaints, including the following breaches: sections 1(56), 1(59), 1(60), 4(2) and 4(4) of the *Model Standard of Practice for Canadian Pharmacists* and Statement VI of the *NBCP Code of Ethics*.

AND WHEREAS the Member has never previously been the subject of a complaint of professional misconduct or incompetence;

AND WHEREAS the Member has assumed responsibility for his actions and has admitted guilt;

AND WHEREAS additional training on ethics as well as the Centre for Addiction and Mental Health (CAMH) course entitled: *Opioid Dependence Treatment (ODT) Core Course*, including the review of the College's Methadone Practice Directive, will provide the Member with an opportunity to review his professional standards;

AND WHEREAS the sanctions imposed on the Member are appropriate based on similar findings of misconduct in the case law and it appropriately penalizes the Member;

AND WHEREAS the fine and the costs payable by the Member represent a significant financial sanction which constitute a sufficient and appropriate deterrent;

AND WHEREAS the *Agreed Statement of Facts and Joint Submissions on Penalty* entered into by the parties avoids a full hearing of the matter wherein significant time, energy, legal fees and other expenses will no longer be incurred;

THE DISCIPLINE AND FITNESS TO PRACTICE COMMITTEE ORDERS THE FOLLOWING:

1. This *Agreed Statement of Facts and Joint Submissions on Penalty* is accepted and approved by the Discipline and Fitness to Practice Committee as it satisfies the overall goals of the regulation of the profession by demonstration of acceptance of responsibility for this matter by the Member and to resolve it in a manner consistent with *An Act Respecting the New Brunswick College of Pharmacists* and the Regulations of the NBCP.
2. The Member will therefore be subject to the following sanctions:
 - i. **Reprimand:** The Member will receive a formal written reprimand which will remain in his file with the NBCP for a period of three (3) years;
 - ii. **Terms, Conditions or Limitations:** The Member is prevented from serving as a preceptor to pharmacy students and from performing the role of manager for two

(2) years from the date of this Order. The Member will complete successfully, at his own expense, within six (6) months of this Order, additional training/continuing education on ethics, clinical documentation, as directed by the Administrator of Complaints and/or the Registrar and, in addition, complete successfully, at his own expense, within six (6) months of the date of this Order, the Centre for Addiction and Mental Health (CAMH) course entitled: *Opioid Dependence Treatment (ODT) Core Course* and review/certify review of the College's Methadone Practice Directive;

- iii. **Monitoring:** The Member's practice will be monitored by the NBCP for a period of one (1) year from the date of this Order by means of inspections by a representative of the NBCP at such times as the NBCP may determine. The Member shall cooperate fully with the NBCP during the inspections;
- iv. **Fine:** The Member will pay a fine to the NBCP in the amount of \$2,000.00 within thirty (30) days of the date of this Order;
- v. **Publication:** The Member's name will be included in a case summary on the NBCP's Website, in a section accessible for the public, for a two (2) year period following the issuance of this Order and once in an update to NBCP's Members as well as the Decision being published indefinitely in full on Canadian Legal Information Institute (CANLII) website; and
- vi. **Costs:** The Member will pay costs to the NBCP in the amount of \$16,000.00 payable by equal monthly installments over the course of a three (3) year period from the date of this Order.

3. The Member acknowledges that in the event that he is in default of payment, either of the fine or costs, as stipulated above, the NBCP reserves the right to avail itself of the rights and / or powers stipulated in subsection 110 (4) of the *New Brunswick Pharmacy Act*, specifically to suspend the Member's license until such time payments are made / the act of default is cured.

DATED at Moncton, New Brunswick, this 27th day of February, 2018.

A panel of the Discipline and Fitness to Practice Committee
