



## Discipline Hearing Conducted



At a Discipline Hearing held 25 March 1999, Albert Dubois, Diploma #6583, pled guilty to professional misconduct related to inappropriate accesses of a PharmaNet patient record.

Albert Dubois acknowledged that he inappropriately accessed the complainant's PharmaNet patient record for reasons unrelated to health care. This is a contravention of Section 36 of the *Pharmacists, Pharmacy Operations and Drug Scheduling Act*, Bylaw 40 and Value V of the Code of Ethics. These contraventions constitute offenses pursuant to Section 48(8)(a) and (d) of the Act.

As outlined in Bylaw 40, the only purposes for which a pharmacist may use PharmaNet patient record information are:

- (a) dispensing,
- (b) counselling a patient with regard to the patient's drug therapy,
- (c) drug usage evaluation, or
- (d) claims adjudication and payment by any insurer providing drug coverage.

Value V of the Code of Ethics states that "A pharmacist protects the patient's right of confidentiality."

A printout of the complainant's PharmaNet patient record documented eight profile accesses from February 1998 to June 1998. None of these accesses were related to the provision of health care, or any other appropriate use of PharmaNet information. Six of these accesses listed Mr. Dubois as the pharmacist responsible for the access. Two of the accesses were made while other pharmacists were logged on to the computer. Mr. Dubois acknowledged that he made all of these accesses himself.

In hearing the facts of the case, the panel noted that Mr. Dubois has been in practice for 10 years. His behaviour did not suggest a pattern of inappropriate PharmaNet accesses but rather an isolated indiscretion related to a personal situation. He expressed remorse and recognized that his actions were inexcusable. Nevertheless, his actions constituted a most serious offence. They violated the complainant's right to privacy and confidentiality and the profession's Code of Ethics, and they compromised the position of trust held by the profession.

The following penalty was assessed:

1. A one-month suspension.
2. A fine of \$1500.
3. Payment of the costs of the proceedings, totalling \$4,673.40.

### Council Highlights - *Continued from page 2*

its support for the addition of an objective structured clinical evaluation (OSCE) component to the current PEBC examinations. Council also clarified that when the OSCE component is incorporated, the College will cease the administration of the Panel Assessment procedure.

- ◆ The results of a survey on the current policies pertaining to the facsimile transmission of prescriptions were reviewed. Of the 85 respondents, a clear majority of the pharmacists who utilize the faxing option have not experienced any serious problems with the process.

The Council decided to maintain the current policy and guidelines.

- ◆ The Councillors discussed the issue of palliative care medication kits and the potential need for legislative changes to permit their more extensive use. The Community Pharmacy and Hospital Pharmacy Practice Committees have been requested to review the issues and to prepare options for Council's consideration at a future meeting.

The next Council meeting is scheduled for 18 June 1999.