NOVA SCOTIA COLLEGE OF PHARMACISTS

DECISION OF THE HEARING COMMITTEE

In the matter of: Recommendation of the Investigation Committee for acceptance of the Settlement Agreement between the Nova Scotia College of Pharmacists and Ms. Anne Marie Kember.

The Hearing Committee met on January 30, 2015 to consider the proposed Settlement Agreement being recommended for acceptance by the Investigation Committee regarding Ms. Anne Marie Kember.

The Hearing Committee carefully reviewed all of the information from the Nova Scotia College of Pharmacists, the member, the proposed Settlement Agreement, and relevant precedents.

The Hearing Committee after deliberation, has decided to accept the recommendation of the Investigation Committee with regard to the Settlement Agreement between the Nova Scotia College of Pharmacists and Ms. Anne Marie Kember.

The Hearing Committee, in accepting the recommendation, incorporates the Settlement Agreement as attached to this decision.

January 30, 2015

Harriet Davies, Chair

On behalf of Hearing Committee Members:
Susan Halliday Mahar
Edith Menzies
Harriet Davies
PROVINCE OF NOVA SCOTIA
HALIFAX REGIONAL MUNICIPALITY

IN THE MATTER OF: The Pharmacy Act, R.S.N.S. 2011, c.55 and Regulations made thereunder

-and-

IN THE MATTER OF: Ms. Anne Marie Kember, Pharmacist, Stellarton, [redacted]

SETTLEMENT AGREEMENT

WHEREAS pursuant to the Pharmacy Act of Nova Scotia, allegations were set out in a Registrar’s complaint dated June 7, 2014 alleging that Ms. Anne Marie Kember breached provisions of the Pharmacy Act and Regulations made there under, and conducted herself in a way in which a Hearing Committee properly constituted under the Pharmacy Act could conclude that her conduct amounted to professional misconduct,

AND WHEREAS the Nova Scotia College of Pharmacists and Ms. Kember believe that a Settlement Agreement is the proper method of disposing of this matter,

AND WHEREAS the Nova Scotia College of Pharmacists and Ms. Kember agree to the following statement of facts:

1. THAT you acted unlawfully in that you administered drugs by injection without a valid permit contrary to the Pharmacist Extended Practice Regulations s.6(1)(a) and the Standards of Practice: Drug Administration:

(a) You failed to apply for and obtain a valid Drug Administration by Injection Permit before administering drugs by injection.

(b) You administered drugs by injection at the [redacted] pharmacy, New Glasgow from October 2013 to May 2014 including:

(i) The provincially provided 2013 flu vaccine as part of the NS 2013 Flu vaccine campaign.
(ii) Twinrix.
2. **THAT** you acted unlawfully in that you held yourself out to be a pharmacist authorized to administer drug therapy by injection contrary to the *Pharmacist Extended Practice Regulations* s.6(2) and the *Standards of Practice: Drug Administration*.

   (a) You promoted that a pharmacist was authorized to administer drug therapy by injection at the [redacted] that you own and of which you are the pharmacy manager, when that was not the case.

3. **THAT** you acted unlawfully in that you failed to have policies and procedures in place for the pharmacy that meet the requirements of the *Standards of Practice: Drug Administration*.

   (a) The pharmacists at the [redacted] Pharmacy in New Glasgow, where you are the pharmacy manager, administered drugs by injection without the NSCP Drug Administration Permit.

   (b) The [redacted] Pharmacy in New Glasgow, where you are the pharmacy manager, did not have an appropriate refrigerator thermometer.

Ms. Kember specifically acknowledges and agrees to all of the facts stated above.

The Nova Scotia College of Pharmacists and Ms. Kember hereby agree to the following disposition and settlement of this matter.

1. Ms. Kember acknowledges and agrees that her conduct noted above amounts to professional misconduct contrary to the *Pharmacy Act and Regulations*.

2. A letter of reprimand in the form attached shall be placed on the file of Ms. Kember.

3. Ms. Kember shall read all of the communications that have come from the College since she became manager of the [redacted] Pharmacy, including Bulletins, policies, standards, etc. and provide declaration to the College that she has done so within 90 days of acceptance of this agreement.

4. Ms. Kember shall successfully complete the Nova Scotia Jurisprudence Exam within 90 days of acceptance of this agreement.

5. Ms. Kember shall pay a fine of $1,000.00 to the NSCP within 90 days of acceptance of this agreement.
6. Ms. Kember shall pay a portion of the College's costs for this matter, fixed at the amount of $3,750.00 to the NSCP within 90 days of acceptance of this agreement.

7. That the pharmacy be re-inspected, within 3 weeks of acceptance of this agreement, at your cost, to confirm that the pharmacy's deficiencies noted on the Deficiency Correction Action Plan have been addressed.

8. There shall be publication, with name, of the facts and details of the Settlement Agreement in accordance with the Registration, Licensing and Professional Accountability Regulations, Section 71.

The Investigation Committee of the Nova Scotia College of Pharmacists and Ms. Anne Marie Kember agree that this Settlement Agreement shall be put to a Hearing Committee of the Nova Scotia College of Pharmacists for its review.

DATED at Halifax, Nova Scotia, this day of ,

Susan Wedlake, Registrar, NSCP

Anne Marie Kember

Leslie Reid, Chair, Investigation Committee