

Mr K R Jethwa
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FITNESS TO PRACTISE AND LEGAL
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TD/STATCOMM/272/05
RECORDED DELIVERY

Dear Mr Jethwa

AMENDED NOTICE OF INQUIRY

On behalf of the Statutory Committee of the Royal Pharmaceutical Society of Great Britain, I give you notice that the Committee has received a complaint from the Council of the Royal Pharmaceutical Society of Great Britain, 1 Lambeth High Street, London SE1 7JN which alleges that:-

1. You were first registered with the Society on 4 July 1969.
2. At all material times you were a shareholder, Director and Superintendent Pharmacist of Jethwa Limited, formerly known as Jethwa (Pharmaceutical) Limited (the "company").
3. Between 12 May 1993 and 13 May 2002 the company was the registered proprietor of the retail pharmacy premises known as Moore Pharmacy at 221 Lower Mortlake Road, Richmond, Surrey TW9 2LN ("the premises").
4. On 13 May 2002 the premises were de-registered as a pharmacy. The company retained ownership of the premises until 1 April 2003 when the company transferred the premises to Zibcross Enterprises Ltd ("Zibcross").
5. At the date of transfer there was present in the cellar of the premises a large quantity of pharmaceutical waste.
6. Although you agreed with Zibcross to remove all waste before transfer took place you failed to do so.

7. On discovery by Zibcross that the waste had not been removed, Mr N J Piggot of Zibcross telephoned you on a number of occasions over the following 6 months requesting that you remove the pharmaceutical waste.
8. On two occasions during that period when you attended the premises and were shown the waste by Mr Piggot you were again requested to remove it.
9. You failed to respond to these requests, other than to suggest to Mr Piggot that he should arrange removal himself, on the basis that you would be responsible for the cost of removal.
10. On 8 December 2003, following receipt by the Society from Mr Piggott of a complaint concerning the continuing presence of the pharmaceutical waste, Mr Timothy Staton, Society Inspector, attended the premises and found in the cellar a large quantity of pharmaceutical waste including the following:-

Hydergine 1.5mg	POM
Ampicillin Capsules 500mg	POM
Erythromycin tablets 250mg	POM
Phenytoin tablets 50mg	POM
Orbenin 250mg	POM (Discontinued)
Ancoloxin	Deleted in 1988
Isoptocarpine 3%	POM
Distamine 125	POM
Fenopron 300mg	POM
Stelazine Syrup	POM
Melleril 50mg	POM
Xylocaine Gel 2%	P
Efcortelan Cream 1%	POM
Rapitard MC 100iu (2)	POM
Tablets Moditen	POM
Ext. Hyoscyamus	
Sulphadiazine BP	POM
Ammonia Liquor	Poison
Commercial nitric acid	Poison
Lead Acetate	Poison
Sulphanilamide	POM
Extract of Nux Vomica	

Glyc. Belladonna	
Tinct. Digitalis BP	POM
Phenol Glycerine BP	

11. The Inspector telephoned you on 9 December 2003 and advised you that it was your responsibility to arrange and pay for safe disposal of the waste. You agreed to do so and to contact the Inspector once it had been removed.
12. On 15 December 2003 the Inspector telephoned you following receipt of a telephone call from Mr Piggott complaining that the waste had still not been removed.
13. On 9 January 2004, when the Inspector telephoned you again, you advised him that the waste had been removed to premises belonging to you (which you described as a lock-up garage) pending disposal by a waste disposal company. You did not disclose to the Inspector the address of that garage.
14. On 20 January 2004, the Inspector wrote to you to remind you that the waste required to be disposed of lawfully and asked for your written confirmation that this had been carried out and for a copy of the relevant consignment note.
15. On 23 February 2004, not having received a response to his letter of 20 January 2004, the Inspector telephoned you. You explained that you were obtaining quotations from contractors. You mentioned that such contractors would require a list of the items to be removed and agreed to send the Inspector the documentation he had required within 2-3 weeks.
16. On 14 April 2004, not having heard from you since the conversation on 23 February 2004, the Inspector wrote to you requesting a response by return and asking that you should treat his request as urgent.
17. On 1 June 2004, not having heard from you since the telephone call of 23 February, the Inspector telephoned you. You explained that you were arranging for a firm from Sussex to remove the waste and anticipated that it would be removed within 7-10 days. You mentioned that you had prepared a list of the items to be removed.
18. In June 2004 you met representatives of COPAC (a waste disposal contractor) at an address in Richmond Road, Kingston, Surrey. You showed the COPAC representatives some of the waste you wanted to be removed. It was stored in an unlocked shed. You were told that it would have to be listed before it could be removed and that there would be a charge for listing. You told the COPAC representatives that you would list the items yourself and make contact with them when you had done so.

19. Despite a number of subsequent attempts by COPAC to contact you in June and July 2004, you did not give instructions to that company to proceed with collection and disposal of the waste until 11 October 2005.
20. On 24 June 2004, not having heard from you since the conversation on 1 June 2004, the Inspector telephoned you to ask for the name of the waste disposal company and a copy of the transaction note at completion.
21. On 27 June 2004 you wrote to the Inspector informing him that the waste had been removed from the premises to what you described as "locked secured" premises and that COPAC were dealing with the disposal.
22. On 19 July 2004 the Inspector telephoned you again. Notwithstanding that you had previously told the Inspector (on 1 June 2004) that you had already at that stage prepared a list of the items to be removed, on 19 July 2004 you told the Inspector that you were in the process of preparing such a list. The Inspector asked you to supply him with the name of the waste disposal company.
23. On 26 July 2004, the Inspector telephoned you and requested the telephone number of the waste disposal company and the name of the contact person there. The Inspector required you to provide the requested information that day and for that purpose supplied you with his voicemail telephone number and e-mail address. You told the Inspector that the name of the company was ECO. You also stated that the waste was currently stored at a premises known as Donald's at 145 Richmond Road, Kingston upon Thames.
24. On 27 July 2004, you left a telephone message with the Inspector in which you stated that the waste was to be destroyed by COPAC c/o Mr and Mrs Frampton telephone numbers 01235 817066/07816 967141.
25. On 9 September 2004 the Inspector wrote to COPAC to ask whether the waste had been destroyed.
26. On 17 September 2004, COPAC telephoned the Inspector and explained that they had not received the required list from you and therefore had been unable to remove the waste. Following receipt of that call, the Inspector telephoned you and advised you that there would be no further calls from him to you about the matter. The Inspector further warned you that if COPAC had not been able to remove the waste within 2 weeks the matter would be reported. This telephone call was followed up by a letter dated 17 September 2004, sent by Special Delivery to you at your registered address (which was subsequently returned to the Inspector unopened on 21 October 2004).
27. On 25 November 2004, the Inspector wrote to you asking you to contact him for the purposes of being interviewed about these matters. You have failed to contact the Inspector in response.

28. The Inspector was contacted by Marlene Frampton of COPAC on 11 October 2005, who reported that you had that day asked COPAC to remove the waste from your premises.

29. The Society has not received confirmation from you that the waste has been disposed of.

In summary the Society's Council alleges that:

- your persistent failure to dispose of the pharmaceutical waste stored on the premises during the period in which the premises were registered as a pharmacy (i.e. until 12 May 2002);
- your persistent failure to dispose of the pharmaceutical waste stored on the premises after they had been de-registered as a pharmacy on 13 May 2002, despite repeated requests for such disposal from both the new owner of the premises (from April - December 2003) and from the Society Inspector (from December 2003);
- your persistent failure to dispose of the pharmaceutical waste once you had moved it to other (non-registered) premises, despite repeated requests for such disposal from the Society Inspector between January and September 2004; and
- your failure to co-operate with the Society Inspector's investigation into this matter following his request of 25 November 2004 to interview you

Individually or cumulatively may demonstrate that you have been guilty of such misconduct as to render you unfit to have your name on the Register of Pharmaceutical Chemists.

And I further give you notice that on **Thursday 22 November 2005** at **9.30am** the Committee will hold an Inquiry at the Royal Pharmaceutical Society of Great Britain, 1 Lambeth High Street, London SE1, for the purpose of ascertaining the facts in relation to the matters aforesaid and, if thought fit, subject to the provisions of the Pharmacy Act 1954, and the Medicines Act 1968, directing the removal of your name from the register.

You may attend the Inquiry personally and may be represented by a solicitor or counsel. If you do not attend the Statutory Committee may proceed with the Inquiry in your absence.

Any application or other communication relating to the said matters or your answer thereto shall be addressed to me not less than ten days before the day appointed for the hearing of the case.

A copy of the Regulations which govern the procedure of the Committee is enclosed herewith, and your particular attention is directed to Regulation 14. I also enclose a copy of the Committee's Indicative Sanctions Guidance.

The name and address of the solicitor acting in this case is **Mr G R F Hudson of Penningtons Solicitors, Bucklersbury House, 83 Cannon Street, London EC4N.**

Mr Hudson will shortly provide you with a draft bundle of the Council of the Society's evidence and I would be grateful if you or your solicitor could liaise with him with the aim of providing where possible any written evidence from both you and the Society's Council to the Committee about one week before the day of the Inquiry.

A form for acknowledging receipt of this Notice of Inquiry is enclosed herewith for you to sign and return to me.

Yours sincerely

David Gomez
Secretary to the Statutory Committee

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