

Mr Derek Michael Phillips
Registration No: 75766

FITNESS TO PRACTISE AND LEGAL
AFFAIRS DIRECTORATE
Statutory Committee
Telephone: + 44 (0)20 7572 2593
Facsimile: +44 (0)20 7572 2510
e-mail: david.gomez@rpsgb.org

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TD/STATCOMM/202/05

Dear Mr Phillips

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. Between 1 June 2002 and 4 February 2003 (on which latter date you were suspended from employment) you were sole pharmacist in charge of the pharmacy at 127 Bellenden Road, London, SE15 ("the Pharmacy"). The Pharmacy is owned by S M Hutchinson Limited ("the Company").
2. The following Viagra cannot be accounted for during the period when you were pharmacist in charge of the Pharmacy between 1 June 2002 and the date of your suspension, 4 February 2003:

	Viagra 50mg	Viagra 100mg
Supplies in		
Unichem	176	348
C & D	140	96
Totals	316	444
Supplies out		

In stock	0	0
F P10	128	265
Private Rx	12	64
Totals	140	329
Discrepancy	176	115

3. In breach of Regulation 19 of the Misuse of Drugs Regulations 2001, you failed to record in the Controlled Drugs Register the following Controlled Drugs obtained by the Pharmacy for which offences you received a formal warning from the police on 31 March 2003:

Date of invoice/delivery	Controlled Drug
9 December 2002	60 x MST Continus 15mg tablets
10 December 2002	60 x MST Continus 15mg tablets
7 January 2003	60 x MST Continus 15mg tablets

4. On 29 January 2003, Mrs Jane Ward, Superintendent Pharmacist of the Company, during the course of a visit to the Pharmacy at a time when you were pharmacist in charge discovered pots of Temazepam 10mg and 20mg which were not kept in a locked safe, cabinet or room so constructed and maintained as to prevent unauthorised access to the drugs as required by the provisions of the Misuse of Drugs (Safe Custody) Regulations 1973. During the course of her visit, Mrs Ward reminded you of the requirements of those Regulations. Later that day, Mrs Ward wrote to you confirming that advice.
5. On 4 February 2003, during the course of a further visit to the Pharmacy at a time when you were pharmacist in charge, Mrs Ward found the following Controlled Drugs that were stored on shelves in the dispensary in breach of the provisions of the Misuse of Drugs (Safe Custody) Regulations 1973:

Quantity	Controlled Drug
24	Sevredol 20mg
3 boxes	Temgesic 200 mcg
10	MST 60mg tablets
28	MXL 30mg tablets

6. On 6 February 2003 Mrs Ward found the following Controlled Drugs that had been stored in the dispensary in breach of the provisions of the Misuse of Drugs (Safe Custody) Regulations 1973:

Quantity	Controlled Drug
44	MST 10mg tablets
1 box	15mg and 30 mg MST tablets (mixed)
30	Tenuate Dospan
13	Tenuate Dospan
15	30 mg Duramine

7. Following your suspension on 4 February 2003 Mrs Ann Abbott, pharmacy assistant, found the following Controlled Drugs that were stored on shelves in the dispensary in breach of the provisions of the Misuse of Drugs (Safe Custody) Regulations 1973 some of which appeared to be patient-returned medicines and/or out of date:

Quantity	Controlled Drug	Additional description
99	30mg MST tablets	
38	30mg MST tablets	Labelled with patient's name and dated '99
12	30mg MST tablets	
118	15mg MST tablets	
20	5mg MST tablets	Labelled with patient's name and dated '99
60	60mg MST tablets	Out of date
10	60mg MST tablets	No date
80	10mg MST tablets	Labelled with patient's name
24	10mg MST tablets	
240	10mg MST tablets	
28	30mg MXL capsules	Out of date
56	10mg Sevredol	Out of date (9/02)
40	20mg Sevredol	Out of date (7/02)
14	20mg Temazepam	Labelled with patient's name and dated '02
10	0.2mg Temgesic tablets	Out of date (2/94)
76	75mg Tenuate Dospan	Out of date (7/99)
23	30mg Duromine capsules	Out of date (02)

24	15mg Duromine capsules	Out of date (03)
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8. Between 2 November 2002 and 4 February 2003 you made no entries in the private prescription register or made any other record in respect of private prescriptions dispensed by the Pharmacy as required by Regulation 6 of the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980.

In particular:

- prior to 2 November 2002, you failed to make the required record in respect of the following supplies:

Date of prescription	Patient	Medicine
27.08.02	BB	Nasonex
11.10.02	MM	Prozac
12.06.02	EM	Sildenafil
18.07.02	EM	Sildenafil
25.10.02	HW	Sildenafil

- you failed to make the required record in respect of a supply on 24 January 2003 to patient MA of 4 tablets of Sildenafil, such supply having been made at a time when no valid prescription was in existence (the prescription in question was not in fact written until 28 February 2003).
- between 2 November 2002 and 4 February 2003 you failed to make the required record in respect of the following supplies:

Date of prescription	Patient	Medicine
06.11.02	EM	Sildenafil
04.12.02	EM	Sildenafil
26.12.02	DS	Eryoped
03.01.03	EM	Sildenafil

9. At interview with the Society Inspector on 12 May 2004 you did not deny that any of the prescriptions described in paragraph 8 above had been dispensed.
10. On 3 December 2002, Mr T Staton, Society Inspector, visited the Pharmacy and found it to be untidy and dirty. Mr Staton discussed with you the deterioration in standards which he found on that visit. Mr Staton warned that he would revisit the pharmacy shortly.

11. On 29 January 2003, Mrs Ward, during the course of a visit to the Pharmacy discovered:
- that the Pharmacy was dirty;
 - that you had not been taking refrigerator temperature readings of the Pharmacy refrigerator;
 - you were keeping food in the Pharmacy refrigerator.
12. When Mrs Ward attempted to work in the Pharmacy later that day, she felt unable to do so due to its condition. She telephoned the Health Authority and sought and obtained permission to close the Pharmacy for the remainder of the day in order to bring it into a fit state.

In summary the Society's Council alleges that:

- The discrepancies in Viagra 50 mg and 100 mg stock in the pharmacy as described in paragraph 2 above;
- The breaches of Regulation 19 of the Misuse of Drugs Regulations as described in paragraph 3 above;
- The breaches of the Misuse of Drugs Safe Custody Regulations as set out in paragraphs 4, 5, 6 and 7 above;
- Your failure to deal appropriately with such of the Controlled Drugs described in paragraph 7 above as were also patient returns, in breach of the requirement in Part 3 of the Code of Ethics to segregate patient returns from usable pharmacy stock promptly ready for disposal;
- Your failure to deal appropriately with such of the Controlled Drugs described in paragraph 7 above as were date-expired, in breach of the requirement in Part 3 of the Code of Ethics to segregate for disposal date-expired stock;

- Your supply of 4 tablets of Sildenafil to patient MA on 24 January 2003 in circumstances where there was no valid prescription in existence at the time of supply;
- Breaches of Regulation 6 of the Medicines Sale and Supply Miscellaneous Provisions Regulations 1980 as described in paragraph 8 above; and
- The condition of the pharmacy on 29 January 2003, notwithstanding a warning about the state of the premises from the Society Inspector in December 2002 as described in paragraphs 10-12 above

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 **Monday 19 September 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 G R F Hudson, Penningtons Solicitors, Bucklersbury House, 83 Cannon Street, London EC4N 8PE.

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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Cc: 183 Brenchley Gardens, London, SE23 3RF