

ALBERTA COLLEGE OF PHARMACY

IN THE MATTER OF  
THE HEALTH PROFESSIONS ACT

AND IN THE MATTER OF A HEARING  
REGARDING THE CONDUCT OF

**AHMED ABUEL SHOUHOUD**

Registration number: 11214

**DECISION OF THE HEARING TRIBUNAL**

**REDACTED FOR PUBLICATION**

July 13, 2021

## I. **INTRODUCTION**

The hearing tribunal held a hearing into the conduct of Ahmed Abuel Shouhoud. In attendance on behalf of the Hearing Tribunal were:

Mr. Naeem Ladhani, Chair and Pharmacist Member  
Ms. Cassandra Woit, Pharmacist Member  
Ms. Pat Matusko, Public Member.

The hearing took place on January 12, 13, 14 and 25, 2021 via the Zoom videoconference platform. The hearing was held under the terms of Part 4 of the *Health Professions Act* (“HPA”).

In attendance at the hearing were:

Mr. James Krempien, Complaints Director of the Alberta College of Pharmacy (the “College”)  
Ms. Annabritt Chisholm and Mr. Raymond Chen, legal counsel for the Complaints Director  
Mr. Ahmed Abuel Shouhoud, Investigated Member  
Mr. Jeff Wreschner, legal counsel for Mr. Abuel Shouhoud  
Ms. Ayla Akgungor, independent legal counsel for the Hearing Tribunal

The hearing was recorded by a court reporter, Ms. Shelley Becker. Ms. Margaret Morley, Hearings Director, facilitated the technical aspects of the videoconference.

There were no objections to the composition of the Hearing Tribunal or the jurisdiction of the Hearing Tribunal to proceed with the hearing.

## II. **ALLEGATIONS**

The Hearing Tribunal considered the following allegations against Mr. Ahmed Abuel Shouhoud:

IT IS ALLEGED THAT, on December 3, 2019, while you were a registered Alberta pharmacist practicing at [REDACTED] (the “Pharmacy”), you:

1. Disclosed personal health information from your patient and employee [REDACTED]’s Netcare profile to Ms. [REDACTED], another employee of the Pharmacy who is not a health care professional:
  - a. without an authorized purpose. and
  - b. after [REDACTED] expressly asked you not to review her personal health information.

2. Disclosed ■■■'s personal health information to her after she asked you not to review it; and
3. Disclosed ■■■'s personal health information to her in a manner that was neither private nor confidential when you did so in front of Ms. ■■■■■.

IT IS ALLEGED THAT your conduct in these matters:

- a. Breached your statutory and regulatory obligations to the Alberta College of Pharmacy as an Alberta pharmacist,
- b. Undermined the integrity of the profession,
- c. Decreased the public's trust in the profession, and
- d. Failed to exercise the professional and ethical judgment expected and required of an Alberta pharmacist.

IT IS ALLEGED THAT your conduct constitutes a breach of the following statutes and standards governing the practice of pharmacy:

- Standard 1 (Sub-sections 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians,
- Principles 2(5), 4(6) and 10(1) of the ACP Code of Ethics,
- Sections 31, 34(1), 35(1)(c) and 107(2)(a) of the *Health Information Act*, and thus
- Sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the *Health Professions Act*.

and that your conduct set out above and the breach of some or all of these provisions constitutes unprofessional conduct pursuant to the provisions of sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the Health Professions Act.

Mr. Abuel Shouhoud denied the allegations.

### **III. PRELIMINARY MATTERS**

One preliminary matter was raised by Ms. Chisholm on behalf of the Complaints Director. Ms. Chisholm noted that section 78 of the HPA states that a hearing is open to the public unless the Hearing Tribunal states otherwise, including circumstances where not disclosing a person's confidential and personal health, property or financial information outweighs the desirability of having the hearing open to the public.

This is significant because in the present case the allegations relate to the improper disclosure of the complainant's personal health information. In the circumstances, it would be very difficult to present the Complaints Director's case without discussing specifics of the complainant's health information.

Notwithstanding the need to discuss the complainant's personal health information, Ms. Chisholm did not seek to close the hearing. Ms. Chisholm did not seek to close the hearing because the observers in attendance at the hearing were regulated members of the College, staff of the College or of another regulatory body governed by the HPA. Accordingly, the Complaints Director was satisfied that the observers present would not compromise the complainant's personal health information or broadcast it to a wider audience.

However, Ms. Chisholm did apply to have any publicly available versions of the transcript and reasons for decision of the Hearing Tribunal redacted to remove the complainant's name and initials, medical condition, medications, and the name of the pharmacy in question.

Mr. Wreschner did not object to this application.

The Hearing Tribunal granted Ms. Chisholm's application and directed that the complainant's name, initials, medical conditions, medications, and the name of the pharmacy be redacted from any publicly available copies of the transcript and the Hearing Tribunal's written reasons for decision.

#### IV. **EVIDENCE**

##### (1) **Exhibits**

The following exhibits were entered during the hearing:

Exhibit 1 – Agreed Book of Documents with 35 Tabs:

1. Notice of Hearing
2. Notice of Location Change
3. Notice to Attend and Produce – A. Abuel Shouhoud
4. Notice to Attend and Produce – J. Krempien
5. Notice to Attend and Produce – M. Stanowich
6. Notice to Attend and Produce – [REDACTED]
7. Notice to Attend and Produce – [REDACTED]
8. Notice to Attend and Produce – [REDACTED]
9. Notice to Attend and Produce – [REDACTED]

10. Complaint Reporting Form from [REDACTED] dated January 21, 2020 received by J. Krempien, Complaints Director, Alberta College of Pharmacy on January 24, 2020
11. Complaint Referral Form dated January 24, 2020
12. Memo from J. Krempien to file dated January 24, 2020 regarding decision to conduct investigation into written complaint
13. Memo from J. Krempien to file dated January 27, 2020 regarding telephone conversation with [REDACTED].
14. Memo from J. Krempien to file dated January 27, 2020 regarding telephone conversation with A. Abuel Shouhoud
15. Letter from J. Krempien to [REDACTED] dated January 27, 2020 providing acknowledgement of complaint
16. Letter from J. Krempien to A. Abuel Shouhoud dated January 27, 2020 enclosing complaint reporting form and documents
17. Memo from J. Krempien to file dated February 4, 2020 regarding conversation with A. Abuel Shouhoud
18. Email from J. Krempien to [REDACTED] dated February 4, 2020 regarding request for records
19. Fax from [REDACTED] to J. Krempien dated February 6, 2020 enclosing requested records
20. Emails between A. Abuel Shouhoud and J. Krempien dated February 4-10, 2020 enclosing requested records for written response
21. Emails between A. Abuel Shouhoud and J. Krempien dated February 4-13, 2020 enclosing and regarding requested records for written response
22. Written response from A. Abuel Shouhoud received February 14, 2020, including 7 video files
23. Memo from M. Stanowich to file dated February 19, 2020 regarding voicemail from [REDACTED]; emails between M. Stanowich and [REDACTED] regarding interview; memo from M. Stanowich to file dated February 18, 2020 regarding phone calls with [REDACTED], [REDACTED], and A. Abuel Shouhoud
24. Memo from M. Stanowich to file dated February 25, 2020 regarding interview with [REDACTED], witness
25. Memo from M. Stanowich to file dated February 25, 2020 regarding interview with [REDACTED], [REDACTED]
26. Memo from M. Stanowich to file dated February 26, 2020 regarding interview with [REDACTED].
27. Memo from M. Stanowich to file dated February 26, 2020 regarding interview with A. Abuel Shouhoud
28. Memo from M. Stanowich to file dated February 27, 2020 regarding phone call with [REDACTED]
29. BMJ Case Reports Article: “[REDACTED] : [REDACTED]”
30. Prescription Regulations Summary Chart
31. [REDACTED] Package Leaflet: Information for the User
32. Standards of Practice for Pharmacists and Pharmacy Technicians
33. ACP Code of Ethics
34. *Health Information Act*

35. *Health Professions Act*

Exhibit 2 – Record of Decision of Complaints Director, Complaint File #8034, dated May 4, 2020

(2) **Witnesses**

The Complaints Director called four witnesses: Mr. James Krempien, Complaints Director; Mr. Monty Stanowich, College Investigator; [REDACTED] (the “Complainant”); and Ms. [REDACTED] [REDACTED], Front Store Manager of [REDACTED] [REDACTED] (the “Store”).

Witnesses for Mr. Abuel Shouhoud were Mr. [REDACTED], former Associate-Owner of the Store and Mr. Abuel Shouhoud.

(a) **James Krempien**

Mr. Krempien has been the Complaints Director of the College since 2008. Prior to becoming the Complaints Director, Mr. Krempien practiced as a pharmacist with the Canadian Armed Forces and in the community pharmacy setting.

Mr. Krempien confirmed that he received a complaint about Mr. Abuel Shouhoud from the Complainant on January 24, 2020. The complaint alleged that Mr. Abuel Shouhoud had accessed the Complainant’s Netcare record and then disclosed information to her and her coworker, [REDACTED] [REDACTED], about her [REDACTED] results, not only without an authorized purpose, but contrary to her express wish not to have the information disclosed. The Complainant also expressed concern that the manner in which the information was disclosed was not private and confidential.

Mr. Krempien determined that an investigation should be conducted into the complaint and he appointed himself and Mr. Monty Stanowich as investigators.

As part of his investigation, Mr. Krempien spoke to both the Complainant and Mr. Abuel Shouhoud on the phone on January 27, 2020. He created summaries of these telephone conversations immediately after speaking with the Complainant and Mr. Abuel Shouhoud. Mr. Krempien also received a written response to the complaint from Mr. Abuel Shouhoud. He also collected documents relevant to the complaint from Mr. Abuel Shouhoud and [REDACTED], pharmacy licensee of the Store immediately subsequent to Mr. Abuel Shouhoud

[REDACTED] provided Mr. Krempien with a number of pharmacy-dispensing transaction records. These records revealed that on December 3, 2019 between 3:21 pm and 3:24 p.m., Mr. Abuel Shouhoud began processing four medication refills for the Complainant including [REDACTED], [REDACTED], [REDACTED] and [REDACTED] tablets. The medications were ready for pick up on December 4, 2019. Each of these medications had previously been dispensed to the Complainant anywhere between 3 months and 10 months prior.

Mr. Stanowich conducted interviews with a number of people and collected documents relevant to the complaint. Mr. Krempien did not participate in the witness interviews beyond his initial discussions with the Complainant and Mr. Abuel Shouhoud on January 27, 2020.

Mr. Stanowich prepared an investigation report which was provided to Mr. Krempien. Upon review of the investigation report, Mr. Krempien determined that the complaint should be referred to a hearing tribunal.

Mr. Krempien was aware that the Complainant had initially contacted the College around December 4, 2019, at which time she spoke to Mr. Jeremy Chan, a College professional practice consultant. Mr. Krempien understood that Mr. Chan referred the Complainant to the complaints department of the College to explore her concern. Mr. Krempien later clarified under cross-examination that he did not speak to Mr. Chan directly about his contact with the Complainant but understood from the Complainant that Mr. Chan had told her that Mr. Abuel Shouhoud had no right to check her [REDACTED] results while filling a prescription and that she should report it to the College.

Under cross-examination, Mr. Krempien confirmed that investigators take training and that as part of that training, they are informed of the importance of contemporaneously documenting the points of the investigation. Mr. Krempien confirmed that notes are not to be altered or destroyed, although he will get rid of his transitory “chicken scratch” notes once he has made the official notes. Mr. Krempien further confirmed that investigators are taught to conduct interviews of persons and that those interviews are to be conducted in private given the confidential nature of the complaints.

Mr. Krempien confirmed that he did not draft the investigation report in this case, but his normal practice would be to review a draft investigation report and provide verbal feedback on grammatical issues and areas for clarification. For example, if there is a discrepancy between a summary in the investigation report and meeting notes, then Mr. Krempien would seek clarification on that point.

**(b) Monty Stanowich**

Mr. Stanowich worked for 14 years as a community pharmacist and pharmacy manager before joining the College as a pharmacy practice consultant. Since 2017, Mr. Stanowich’s role with the College has included working with the complaints department and he has completed about 13 investigations since that time. Mr. Stanowich has completed both the basic and specialized levels of the national certified investigator training. This training included an overview of administrative law, various interview techniques, identifying and avoiding bias, rules on gathering evidence and instruction on report writing. Mr. Stanowich has also attended numerous conferences and seminars on investigation training.

Mr. Stanowich confirmed that he was appointed as an investigator in this matter and in that role, he reviewed the complaint, the response and interviewed the relevant parties. He compiled the information and data into a report and provided an analysis and conclusions for Mr. Krempien.

Mr. Stanowich reviewed and identified Exhibit 1 – Tabs 10-28 as the documents that were collected as part of his investigation into the complaint.

Mr. Stanowich indicated that Mr. Abuel Shouhoud had provided him with 7 video clips from the pharmacy related to the complaint. Mr. Stanowich reviewed these videos during the hearing and identified the time and date stamps for each video. The first video identified an individual entering a door in the top left corner of the screen. The door was identified as the door to Mr. Abuel Shouhoud's office. The remaining videos showed an individual dressed in black waiting and then entering and exiting the door in the top left corner of the screen. An individual wearing a light-coloured top could also be seen in the video exiting the door in the top left corner of the screen.

Based on Mr. Abuel Shouhoud's description of the events, Mr. Stanowich understood that the person observed in the first video entering the office was Mr. Abuel Shouhoud. The person in black who was entering and exiting the office was the Complainant and the individual in the light-coloured shirt was Ms. [REDACTED]. It was not clear from the videos when Ms. [REDACTED] entered the office as she was only observed leaving the office.

Mr. Stanowich confirmed that he interviewed Mr. Abuel Shouhoud, the Complainant and Ms. [REDACTED]. He recorded each of these interviews and took handwritten notes. He then reviewed the recording and his handwritten notes in order to develop a summary of the interview. Mr. Stanowich indicated that after he prepares his formal interview summary or the final investigation report, he destroys the recordings and handwritten notes. He confirmed that the recordings and his handwritten notes were destroyed in this case. Mr. Stanowich explained that he destroys his transitory notes as they are "scribblings" or "incomplete thoughts" and the formal summary contains all the information in his transitory notes in any event.

During his interview with Ms. [REDACTED], she indicated that she had no memory of the conversation with Mr. Abuel Shouhoud on November 30, 2019 that was described by Mr. Abuel Shouhoud. Ms. [REDACTED] described that on December 3, 2019 she joined an afternoon meeting in Mr. Abuel Shouhoud's office. The Complainant was already in the office when she arrived. The Complainant then left to get a notebook. After the Complainant left, Mr. Abuel Shouhoud told Ms. [REDACTED] that he was checking the Complainant's Netcare. Ms. [REDACTED] advised Mr. Abuel Shouhoud not to do that, but he indicated that the results were good, and he was allowed to look. The Complainant then returned and asked what was going on.

Ms. [REDACTED] indicated that Mr. Abuel Shouhoud explained to the Complainant that he was looking at her [REDACTED] results and the Complainant replied that she had told him not to do that. Mr. Abuel Shouhoud then indicated that the results were good, and he

turned the computer for the Complainant to read the results. Ms. [REDACTED] indicated that she could not see what was on the screen.

After the meeting, Ms. [REDACTED] indicated that she spoke to the Complainant and told her that Mr. Abuel Shouhoud had disclosed the results to her while the Complainant was out of the room. The Complainant was visibly upset and later that day, Ms. [REDACTED] advised her to contact human resources for [REDACTED]

Ms. [REDACTED] then had a conversation with the Complainant who had decided not to come to work, which Ms. [REDACTED] supported. Ms. [REDACTED] advised Mr. Abuel Shouhoud that the Complainant was sick, but she reported to [REDACTED] Human Resources after that as she did not feel comfortable lying about what was going on with the Complainant.

During his interview with the Complainant, the Complainant indicated that Mr. Abuel Shouhoud often filled her prescriptions without asking her first. She noted that prescriptions were filled for her on December 3, 2019 but that she was not aware of them being filled until her husband came to pick up a prescription for an [REDACTED] that she had ordered sometime after December 3, 2019.

The Complainant indicated that she was in the back room on December 3, 2019 when they discussed her health and Mr. Abuel Shouhoud offered to review her Netcare. The Complainant told him no. The Complainant described Mr. Abuel Shouhoud as being fairly insistent and so she told him no again. Ms. [REDACTED] then joined them in the meeting, but the Complainant left shortly thereafter to get a notebook. When she returned, she felt that something had transpired in her absence.

The Complainant indicated that Mr. Abuel Shouhoud told her that he had checked her results and they were fine. The Complainant told him that she had asked him not to do that and then Mr. Abuel Shouhoud turned the computer screen to her so that she could read the results. The Complainant felt that the screen was visible to Ms. [REDACTED] as well.

After the meeting, the Complainant stated that she spoke with Ms. [REDACTED] and Ms. [REDACTED] indicated that Mr. Abuel Shouhoud had disclosed information to Ms. [REDACTED] in the Complainant's absence. The Complainant was quite emotionally upset at this time.

In his interview with Mr. Abuel Shouhoud, Mr. Abuel Shouhoud indicated to Mr. Stanowich that, as her pharmacist, Mr. Abuel Shouhoud was the Complainant's trusted health care professional. Consistent with the other accounts, Mr. Abuel Shouhoud indicated that he offered to check her Netcare results for her. She indicated "please don't." He interpreted this to mean that she did not want to hear bad news and she had had no previous concerns with him checking her Netcare. Mr. Abuel Shouhoud indicated that he generated a drug utilization report and asked the Complainant if she wanted her prescriptions filled and she said she did. Mr. Stanowich noted that this was a discrepancy from what the Complainant had reported.

Mr. Abuel Shouhoud then described that he began to fill the prescriptions before the meeting and checked Netcare at that time. He indicated that he finalized the filling process for the prescriptions after he had showed the Complainant her results.

When Ms. [REDACTED] arrived at the meeting, the Complainant left to get a notebook and returned about 45 seconds later. Mr. Abuel Shouhoud told the Complainant he wanted to show her something and asked her to read the computer screen. The Complainant indicated that she had told him not to. Mr. Abuel Shouhoud did not read anything aloud or in front of Ms. [REDACTED].

Mr. Abuel Shouhoud advised Mr. Stanowich that he checked Netcare due to concerns he had over a drug-disease interaction with [REDACTED] and the Complainant's potentially [REDACTED]. He did not provide this rationale to the Complainant at the time because Ms. [REDACTED] was in the room and he had concerns about privacy.

Mr. Stanowich indicated that he noted a few discrepancies between the accounts of the Complainant, Ms. [REDACTED] and Mr. Abuel Shouhoud. Mr. Abuel Shouhoud initially indicated in his response that Ms. [REDACTED] and the Complainant had arrived at his office simultaneously so that there would be no time to disclose the results to Ms. [REDACTED]. Ms. [REDACTED]'s and the Complainant's accounts describe them as coming and going at different times and in his interview, Mr. Abuel Shouhoud indicated that the Complainant left to get a notebook after Ms. [REDACTED] arrived so that there was a 45-second gap where the Complainant was not present. From the video evidence, there appears to be a 1 minute and 30 second gap in time from when the Complainant left and returned to this office. On cross-examination, Mr. Stanowich agreed that Mr. Abuel Shouhoud had not indicated that the Complainant and Ms. [REDACTED] had arrived simultaneously but just that there was no time for him to have a one-one-one discussions with Ms. [REDACTED].

Further, in Mr. Abuel Shouhoud's initial response to the complaint, he stated that he checked Netcare in order to update the pharmacy team about the Complainant's health developments but that there was no evidence that he had done so. Under cross-examination, Mr. Stanowich agreed that another one of the reasons that Mr. Abuel Shouhoud indicated that he had accessed Netcare was to ensure the appropriateness and safety of the health care provided.

Mr. Stanowich indicated that he also obtained audit logs regarding the Complainant's prescriptions from Mr. [REDACTED], the new pharmacy licensee for the Store. Mr. Stanowich reviewed the audit logs and noted that the step entitled "Outbox" reflects when the prescription is prepared and labelled. "Complete" reflects when the prescription is picked up by the patient. Whoever the staff member is that scans their ID card at the time of the step is then associated with that step.

Mr. Stanowich noted that the details on the audit logs were consistent with the Complainant's account that she had requested to fill the [REDACTED] medication

later on (on December 14, 2019) and that is when she became aware of the December 3, 2019 prescription fills.

Under cross-examination, Mr. Stanowich confirmed that he was trained on the importance of contemporaneously documenting the points of the investigation. Mr. Stanowich confirmed that notes are not to be altered or destroyed, although he confirmed his understanding that transitory notes could be destroyed as long as the content of the notes is documented in the finalized record. Mr. Stanowich further confirmed that he was taught how to conduct interviews and that those interviews are to be conducted in private given the confidential nature of the complaints.

Mr. Stanowich stated that he reviews statements of people that he will be interviewing but he does not necessarily ask the interviewee to review their statement prior to the interview. He would discuss their statement with them during the interview. Mr. Stanowich confirmed that he could re-interview individuals if he so chose but he did not re-interview any of the parties about the discrepancies in their statements as he felt he had all the information he required for his report and analysis. In particular, while Mr. Abuel Shouhoud's statements in his response were inconsistent with the information provided by the Complainant and Ms. [REDACTED] in their interviews, his statements in his interview were consistent with their versions of events.

Mr. Stanowich indicated that he did not, as part of the investigation, provide a caution to the witnesses not to speak to one another about the incident.

Mr. Stanowich was asked on cross-examination to explain the transaction records related to the Complainant's prescriptions and was asked whether a certain number indicates how many days that the prescription is overdue for a refill. Mr. Stanowich indicated that that would not necessarily be the case as some of the medications are as-needed medications and may last well beyond what a pharmacist enters in the system as a day's supply.

Mr. Stanowich confirmed that he did not speak to Mr. Jeremy Chan about his discussions with the Complainant as Mr. Chan was no longer employed by the College at the relevant time. Mr. Stanowich indicated that he would have been more cautious than Mr. Chan in offering an opinion on the merits of a potential complaint without necessarily having all the relevant information available to him.

In terms of further discrepancies, it was put to Mr. Stanowich that the Complainant stated that she had no contact with Mr. Abuel Shouhoud after December 3, 2019 but that she had also ordered a prescription refill after that date. Mr. Stanowich agreed that this was a discrepancy that he had not mentioned earlier.

**(c) Complainant**

At the outset of her testimony, the Complainant confirmed that no one was in the room with her and that she did not have any notes in front of her.

The Complainant has worked with [REDACTED] in various capacities for over 20 years. She began employment with the Store in November 2014 and worked as the Manager of the Beauty Boutique. She is still employed at the Store in this capacity. Mr. Abuel Shouhoud was the Complainant's employer for about two and a half years. She was also a patient of Mr. Abuel Shouhoud's at the pharmacy.

The Complainant confirmed that she made a complaint to the College regarding Mr. Abuel Shouhoud and the events of December 3, 2019. The Complainant explained that she had [REDACTED] and [REDACTED], [REDACTED] and [REDACTED]. Leading up to December 3, 2019, the Complainant had recently undergone [REDACTED] and needed to take a sick day to do so. Mr. Abuel Shouhoud was aware that the Complainant was taking the sick day for the [REDACTED].

On December 3, 2019, Mr. Abuel Shouhoud was at the pharmacy for their management meeting. He asked the Complainant if she had received the results of her [REDACTED]. When she indicated that she hadn't, Mr. Abuel Shouhoud offered to look up the results for her. He indicated that it was not a big deal and he could find out for her. The Complainant told him not to look up her results.

The Complainant indicated that she went to the management meeting but had forgotten her notebook, so she left the office to get her notebook and then returned to the office. When she returned, Ms. [REDACTED] was visibly upset. She asked Ms. [REDACTED] what was wrong, and Ms. [REDACTED] replied, "it's not right". Mr. Abuel Shouhoud then looked at the Complainant and stated that her [REDACTED] results were fine. The Complainant replied that she had told him not to look. Mr. Abuel Shouhoud indicated that the results were fine, and it was not a big deal. He then turned the computer screen around to show the Complainant her Netcare file and the [REDACTED] results. The Complainant testified that she did not know what to do so she looked at the results.

When she left Mr. Abuel Shouhoud's office, Ms. [REDACTED] informed the Complainant that Mr. Abuel Shouhoud had already had the Netcare results up and had gone over them with her before the Complainant returned to the office. Ms. [REDACTED] indicated that she was upset about this and it was not something that should have been disclosed to her. The Complainant did not know what to do and since it was near the end of her shift, she left for the day.

In terms of her prescriptions, the Complainant indicated that prior to the start of the management meeting, when Mr. Abuel Shouhoud came into the meeting, she asked him for [REDACTED] medication. The Complainant confirmed that she advised Mr. Stanowich that her prescriptions were filled regularly by Mr. Abuel Shouhoud without her requesting the same. She testified that she still had a bag of unopen and unused medications that she didn't need. She surmised that filling these prescriptions allowed him to say that he needed to check her Netcare for drug interactions related to [REDACTED].

The Complainant stated that she felt Mr. Abuel Shouhoud felt it was right to check her Netcare since she worked for him. She surmised that he felt he was doing her favour but questioned what female would want her male employer looking at a [REDACTED].

The next day, the Complainant called the College and spoke to a man whose name she could not recall. This individual advised her that there would be no point in time where a pharmacist would need to look up the results of a [REDACTED] to issue any medications and that what Mr. Abuel Shouhoud did was wrong. On that basis, the Complainant decided to proceed with reporting Mr. Abuel Shouhoud to [REDACTED].

The Complainant then contacted their Human Resources Manager. He indicated that what happened to the Complainant was not right and should not be happening. The Human Resources Manager put the Complainant in touch with a crisis counselling centre and then indicated that he would get back to her. Ultimately, [REDACTED] suggested that the Complainant not return to work and she did not. She is currently in receipt of Workers Compensation Board (WCB) benefits. The Complainant was also communicating with the College around this time about pursuing a complaint against Mr. Abuel Shouhoud.

The Complainant stated that she has not spoken to Mr. Abuel Shouhoud since December 3, 2019 and that while she has spoken to Ms. [REDACTED], they speak about work and return to work issues and not about Mr. Abuel Shouhoud. She spoke to Ms. [REDACTED] about the events of December 3, 2019 in terms of trying to decide what to do.

The Complainant testified that the events of December 3, 2019 had a significant impact on her. She hadn't worked in a year and struggled to go back to her place of work. She has also been in therapy. The Complainant noted that she was not getting anything out of the complaint process and her hope was that Mr. Abuel Shouhoud would think twice before doing this to someone else.

Under cross-examination, the Complainant confirmed that she had a sales target as Manager of the Beauty Boutique and that her compensation was based on a salary and monthly commissions. The commissions were based on the overall Beauty Boutique sales.

The Complainant agreed that at end of 2015 the Beauty Boutique was overachieving on its sales target as a result of engaging in bulk sales activity. The Complainant described the bulk sales activity as a group of people who buy products to send back to China that are otherwise unavailable in China. The group uses an app called WeChat to indicate what products they needed to get and then they would buy large quantities of the products for resale in China.

The Complainant agreed that single transactions for the bulk sales activity would not be as large as \$10,000 per transaction but probably closer to a couple thousand dollars

per transaction. She confirmed that the Beauty Boutique had to pre-order extra inventory to fulfill the bulk sales orders.

The Complainant agreed that Mr. [REDACTED] was Associate-Owner of the Store in 2015 and that he spoke to her about the bulk sales activity. At that time, [REDACTED] Corporate was facing pressure from its vendors not wanting them to bulk sell anymore. Accordingly, in 2016, a limit was placed on the amount of bulk sales that could occur. Mr. [REDACTED] did not indicate that they needed to stop bulk sales. He placed a limit of 12 products per customer and told her that bulk sales in the hundreds could no longer occur.

The Complainant agreed that certain bigger [REDACTED] stores continued with bulk sales notwithstanding the direction from Corporate. The Complainant agreed that she told Mr. [REDACTED] that, in light of this, it was unfair that the Store had to stop.

The Complainant did not agree when it was put to her that the sales of the Beauty Boutique did not decrease despite the direction to stop bulk sales in the hundreds. The Complainant denied that the reason that the sales did not decrease was because she had found a way to get around the bulk sales rules by mixing different makes and models of similar products and selling them in smaller quantities to the same resellers. The Complainant stated that would not be possible because the tills are monitored and multiple transactions within an order would be flagged.

The Complainant agreed that head office did, in fact, flag this activity and told Mr. [REDACTED] that it needed to stop. In response, Mr. [REDACTED] was concerned and decreased the limit on bulk sales to 6.

The Complainant agreed that when Mr. Abuel Shouhoud took over the pharmacy in 2017, he had a discussion with her about the bulk sales activity and told her to stop it. At the time, the store was carrying quite a large inventory (more than \$35,000 worth of product) as a result of the bulk sales activity. The Complainant indicated that there was an agreement with the warehouse to buy back some of the stock and that a restocking fee was incurred as part of this arrangement.

The Complainant denied that she pushed back on Mr. Abuel Shouhoud when he told her to cease engaging in the bulk sales activity. She did, however, advise Mr. Abuel Shouhoud that other stores were doing it and that the Store was being penalized because it was a smaller store and could not hide the bulk sales activity as well.

The Complainant agreed that the loss of sales revenue would affect the Beauty Boutique in the sense that the higher the sales revenue, the higher the commission. She also agreed that some of her staff were unhappy and wanted to leave the Store because of the ban on bulk sales, although none of the staff ultimately left.

The Complainant agreed that Mr. Abuel Shouhoud was very involved with trying to help her with the loss of the bulk sales and he felt that the store could move forward and be successful without the bulk sales.

The Complainant agreed that there was an audit with a forensic accountant in 2018. She denied that the audit uncovered bulk sales activity but agreed that there was one Beauty Boutique employee who was running through consecutive transactions and that this was against the rules. The Complainant agreed that because of the audit, Mr. Abuel Shouhoud told her to stop bulk sales in the Beauty Boutique. The Complainant denied challenging Mr. Abuel Shouhoud about this and agreed that a loss prevention manager came in to investigate the Beauty Boutique.

At that time, Mr. Abuel Shouhoud worked with [REDACTED] Corporate and Human Resources to prepare a letter that all Beauty Boutique staff had to sign indicating that if they engaged in any further bulk sales activity, they would be terminated from employment. The Complainant signed the letter but denied being upset about it, indicating that it was actually helpful to her because it was a signed document that staff had to obey rather than the Complainant just telling her staff that they had to stop the bulk sales. The Complainant stated that the last time she spoke to Mr. Abuel Shouhoud about the bulk sales issues was likely around September 2019.

The Complainant denied complaining to others, and in particular Mr. [REDACTED], about Mr. Abuel Shouhoud and his management of the store.

The Complainant agreed that at the end of 2019, there was a lot of staff turnover in the pharmacy. When asked if that was due to Mr. Abuel Shouhoud's management, she indicated that she recalled some instances of pharmacy staff not getting paid and that Mr. Abuel Shouhoud had told one staff member, a merchandiser, that he hated her. The Complainant agreed that for some people, it was difficult to work with Mr. Abuel Shouhoud, but noted that she got along with Mr. Abuel Shouhoud pretty well.

The Complainant agreed that it was a difficult time for her when she got her [REDACTED] because it was being done to ascertain [REDACTED]. She agreed that Ms. [REDACTED] was very supportive in helping her to get the time off for the [REDACTED]. The Complainant liked working with Ms. [REDACTED] and described their relationship as friends or co-workers who will talk about how their families are doing and that sort of thing. However, she and Ms. [REDACTED] do not go out and do things together outside of work. Ms. [REDACTED] joined the store not that long before the December 3, 2019 incident.

The Complainant confirmed that on December 3, 2019, she had a conversation with Mr. Abuel Shouhoud where he asked whether or not she had the results from her [REDACTED]. She denied opening up to Mr. Abuel Shouhoud about what she had been going through health-wise or talking to him about the tests, physicians or symptoms. She agreed that Mr. Abuel Shouhoud offered to check her [REDACTED] results and that she told him not to check them. She denied saying this in a soft voice with tears in her

eyes. She also denied having her hands out with her palms facing Mr. Abuel Shouhoud while saying this.

The Complainant denied that on December 3, 2019 she had medications that were overdue for a refill. She explained that the medications were taken on an as-needed basis and would be refilled irregularly. They are not "overdue". The Complainant denied speaking to Mr. Abuel Shouhoud about refilling these medications but agreed that they talked about filling her [REDACTED] medication. The Complainant stated that it was very hard on her body if she missed the [REDACTED] medication, so she is always on top of the refills. With respect to the other medications, the Complainant denied discussing with Mr. Abuel Shouhoud that they were overdue, that Mr. Abuel Shouhoud offered to refill them or that she had replied to him to fill them as usual.

On December 3, 2019, the Complainant agreed that she joined Mr. Abuel Shouhoud at the meeting time. She arrived before Ms. [REDACTED] and discussed renovations of a room for administering Botox with Mr. Abuel Shouhoud. After Ms. [REDACTED] arrived, the Complainant realized that she forgot her notebook and went to retrieve it. She estimated that she might have been gone about a minute. The Complainant confirmed that Mr. Abuel Shouhoud's desk runs perpendicular to the entryway to his office and that, when she returned, he was sitting behind his desk in a seat which was in the middle of his desk. There were two seats in front of the desk, each on the front corners of the desk. Ms. [REDACTED] was sitting in the chair closest to the door and the Complainant sat facing the desk in the chair closest to the back wall of the office. The Complainant estimated that she and Ms. [REDACTED] were sitting about two feet apart and denied that the distance between them was as much as 6 feet.

The Complainant agreed that there was a computer in the corner of Mr. Abuel Shouhoud's desk and that the screen was facing Mr. Abuel Shouhoud when she entered the room. She agreed that Mr. Abuel Shouhoud turned the computer screen toward her, and the computer screen contained her [REDACTED] results. The Complainant sat in her chair to read the screen. She recalled indicating to Mr. Abuel Shouhoud that she told him not to when she walked into the office.

The Complainant denied being relieved at seeing the [REDACTED] results as she was so humiliated that Mr. Abuel Shouhoud had done this in front of somebody else.

The Complainant agreed that Mr. Abuel Shouhoud could not read the test results when the screen was facing her but she did not agree that Mr. Abuel Shouhoud did not disclose any of her health information out loud in the office prior to turning the screen to face her. The Complainant testified that Mr. Abuel Shouhoud did read some of the results before he flipped the screen. Ms. [REDACTED] was present and able to hear what Mr. Abuel Shouhoud was saying.

The Complainant agreed that in January 2020 she had a telephone conversation with Mr. [REDACTED] where she told him that Mr. Abuel Shouhoud had checked her Netcare results without her permission and breached her privacy. She indicated that the

conversation took place as Mr. [REDACTED] was offering her the position of Beauty Boutique manager at his store, which she declined. She denied that Mr. [REDACTED] said to her that it is normal for a pharmacist to check Netcare when filling a prescription.

The Complainant denied that she was not upset about the care and treatment provided by Mr. Abuel Shouhoud but rather about his behavior as an employer.

The Complainant testified that she had no indication that Mr. Abuel Shouhoud had accessed her Netcare at any point prior to December 3, 2019. She stated that the Netcare report indicated that December 3, 2019 was Mr. Abuel Shouhoud's only access of her Netcare.

(d) [REDACTED]

At the outset of her testimony Ms. [REDACTED] confirmed that no one was in the room with her and that she did not have any notes in front of her.

Ms. [REDACTED] has been with [REDACTED] since 2009. She assumed the role of a Front Store Manager for the Store on July 1, 2019. She was hired by Mr. Abuel Shouhoud.

Ms. [REDACTED] confirmed that she participated in a management meeting with the Complainant and Mr. Abuel Shouhoud on December 3, 2019. After she arrived at the meeting, the Complainant indicated that she had forgotten her notebook and left to go retrieve it. Ms. [REDACTED] sat down and got ready for the meeting. She noticed that Mr. Abuel Shouhoud was smiling and asked him what he was looking at and why he was smiling. Mr. Abuel Shouhoud responded that the Complainant's results were good. Ms. [REDACTED] understood this to be the results of the Complainant's [REDACTED] as she was aware that the Complainant was waiting for the results of [REDACTED].

When the Complainant returned to the meeting, she could see that something was not right – Ms. [REDACTED] thought it could have been the look on her face - and asked what was going on. Mr. Abuel Shouhoud then told the Complainant that her results were good. The Complainant replied that she had told Mr. Abuel Shouhoud not to look. He stated, "they're good, they're good". The Complainant then sat down, and Mr. Abuel Shouhoud turned his computer towards the Complainant. Ms. [REDACTED] could not see the computer screen. Mr. Abuel Shouhoud quoted out loud from the [REDACTED] results and then the Complainant proceeded to read the remainder of the results on the computer screen.

After the meeting, Ms. [REDACTED] spoke to the Complainant and told her what had occurred while she was out of the office to retrieve her notebook. She advised the Complainant that Mr. Abuel Shouhoud was looking at her [REDACTED] results and told Ms. [REDACTED] that the results were good. Ms. [REDACTED] advised Mr. Abuel Shouhoud at that time that he shouldn't be doing that. The Complainant was upset at hearing this as she had specifically told Mr. Abuel Shouhoud that he was not to look at her

results. In response, Ms. [REDACTED] advised the Complainant to contact [REDACTED] Human Resources.

Ms. [REDACTED] described being upset about what occurred on December 3, 2019 as, at that time, they were there to discuss the management of the store and Mr. Abuel Shouhoud was in his manager role. He was not in a pharmacist role at the time and should not have been reviewing the Complainant's Netcare results. Just because Mr. Abuel Shouhoud had the ability to access the Complainant's Netcare does not mean that he should have.

Ms. [REDACTED] testified that she had no conversations with Mr. Abuel Shouhoud about the [REDACTED] before or after December 3, 2019. Ms. [REDACTED] did not recall a conversation with Mr. Abuel Shouhoud on November 30, 2019. She stated that she would not have told Mr. Abuel Shouhoud on November 30, 2019 that the Complainant had been away from work for several days for medical reasons and to get a [REDACTED] because the Complainant worked on November 30, 2019 for 4 hours and worked every day that week except Wednesday.

Under cross-examination, Ms. [REDACTED] denied having a conversation with Mr. Abuel Shouhoud about the Complainant's health on November 30, 2019 and did not recall Mr. Abuel Shouhoud being in the store that day.

On December 7, 2019, when Mr. Abuel Shouhoud asked Ms. [REDACTED] why the Complainant hadn't been at work, she advised him that the Complainant was sick and taking some time off. Ms. [REDACTED] confirmed that this statement was not truthful. In reality, the Complainant was upset about the events of December 3, 2019 and was taking time away from work as a result. Under cross-examination, Ms. [REDACTED] explained that [REDACTED] Human Resources had advised her not to tell Mr. Abuel Shouhoud where the Complainant was because an investigation had started. She later phoned Human Resources to indicate that she was no longer comfortable lying to Mr. Abuel Shouhoud about the Complainant's whereabouts.

Ms. [REDACTED] indicated that she had a great working relationship with the Complainant, as she did with Mr. Abuel Shouhoud. Ms. [REDACTED] described the Complainant as a little bit more than a co-worker but indicated that they did not socialize outside of work. Ms. [REDACTED] confirmed that she and the Complainant are friends on social media but denied speaking to her about personal family matters or friends.

Ms. [REDACTED] did not speak with the Complainant about the hearing or her testimony nor did she compare her version of events with the Complainant's version of events. Under cross-examination, Ms. [REDACTED] indicated that she and the Complainant don't really speak a lot because of the December 3, 2019 incident.

Under cross-examination, Ms. [REDACTED] confirmed that as the Front Store Manager, she was responsible for managing the Beauty Boutique and was aware of the bulk sales issue at the store. Ms. [REDACTED] did not agree that Mr. Abuel Shouhoud retained

management of the Beauty Boutique for himself at the time that she was promoted to Front Store Manager or that he wanted to wait to give her full Front Store Manager duties until he had the bulk sales issue under control. She did not agree that this was frustrating to her.

Ms. [REDACTED] denied that the lost revenue from the bulk sales activity would affect her compensation. She was already aware that she would not be receiving a bonus in 2019.

Ms. [REDACTED] confirmed that an internal [REDACTED] audit found that the store was engaging in bulk selling and the practice ultimately ended in November 2018. Ms. [REDACTED] agreed that the store had a lot of inventory build-up because of the bulk selling. In October 2019, there was a meeting to discuss how to deal with the excess inventory. Paying a restocking fee to send the inventory back or selling the inventory at a loss were not options discussed. The focus was on coming up with creative ideas through events to offload the inventory.

Ms. [REDACTED] confirmed that Beauty Boutique employees were required to sign a letter in November 2018 which indicated that they would be terminated if they engaged in bulk sales. No employees ever spoke to her about being stressed as a result of having to sign the letter.

Ms. [REDACTED] indicated that everyone, including herself, the Complainant, Mr. Abuel Shouhoud, the District Manager, and the Vice-President, knew that the store would take a hit on revenue in 2019 because the bulk selling practice had stopped. Everyone expected a loss in 2019. Ms. [REDACTED] denied that this situation created stress for all employees as the loss was something that affected the Associate-Owner more directly than the employees at the store.

Ms. [REDACTED] confirmed that around the middle of November 2019, the Complainant advised that she needed a medical day off to undergo a [REDACTED] [REDACTED]. Ms. [REDACTED] booked her off for a sick day on November 20, 2019. The Complainant worked all her shifts leading up to her [REDACTED] as well as her shifts after the [REDACTED] until December 3, 2019.

With respect to the meeting on December 3, 2019, Ms. [REDACTED] confirmed, under cross-examination, that when she entered Mr. Abuel Shouhoud's office, he was sitting behind his desk in a seat which was in the middle of his desk. The entryway to the office would have been on the left side of his body. There were two seats in front of the desk, each on the front corners of the desk. Ms. [REDACTED] sat in the chair closest to the entryway and the Complainant sat in the other seat when she entered the room. Ms. [REDACTED] estimated that she and the Complainant sat about three feet away from each other. Ms. [REDACTED] agreed that there was a computer in the corner of Mr. Abuel Shouhoud's desk and that she could not see the screen from where she sat.

Ms. [REDACTED] confirmed that she and Mr. Abuel Shouhoud were alone for a brief time in his office while the Complainant went to get her notebook. She denied that they

discussed why she was late for the meeting. She also denied that Mr. Abuel Shouhoud was working in silence as she spoke to him until the Complainant returned to the office. Ms. [REDACTED] did not agree that Mr. Abuel Shouhoud said nothing out loud about the Complainant's health information.

Ms. [REDACTED] did not agree that when the Complainant returned to the office, Mr. Abuel Shouhoud said that he had something he wanted to show her prior to the meeting. She agreed, however, that Mr. Abuel Shouhoud turned the computer screen to the Complainant in a manner that did not pass her line of vision. She confirmed that at no point did she see the computer screen. The screen was directly facing the Complainant. The Complainant did not say anything while she was reading the screen. When Mr. Abuel Shouhoud turned the screen back to himself, Ms. [REDACTED] was not able to see the screen as it did not pass in her line of vision.

(e) [REDACTED]

Mr. [REDACTED] has been a licensed pharmacist in Alberta since 2007 and was the Associate-Owner of the Store between 2011 and 2017. Mr. [REDACTED] hired the Complainant as the Beauty Boutique Manager in 2015.

Mr. [REDACTED] and Mr. Abuel Shouhoud have known each other for 20 or so years. They attended the same University in Egypt. They are pharmacy colleagues and family friends outside of work.

Mr. [REDACTED] confirmed that in 2015 the Beauty Boutique was overachieving its sales target due to bulk sales. In early 2016, Mr. [REDACTED] was advised by [REDACTED] Corporate that they should not be selling products for resale. He informed the Complainant of the same. Mr. [REDACTED] testified that the Complainant was disappointed because she viewed this as a missed opportunity to achieve the sales target because other [REDACTED] stores were continuing to engage in bulk sales. However, she indicated to Mr. [REDACTED] that the bulk sales would stop.

Mr. [REDACTED] expected revenue to drop in the Beauty Boutique as a result of the bulk sales being stopped but was surprised when that did not occur. Mr. [REDACTED] then learned that the bulk sales had not fully stopped but were being continued by being sold in smaller quantities in more frequent transactions.

Mr. [REDACTED] raised this with the Complainant who showed him receipts from other stores to confirm that other stores were still engaging in bulk sales. Mr. [REDACTED] confirmed with the Complainant that even if products were being sold in quantities of 6, that the practice still had to cease if the products were going on the market for resale. The Complainant agreed that the bulk sales practice would cease.

After Mr. [REDACTED] left the store in 2017, he maintained a social acquaintance with the Complainant, speaking about once a month, and they were also friends on social media. The Complainant spoke to Mr. [REDACTED] about Mr. Abuel Shouhoud and complained about his management style. She described it as more micromanaging.

Mr. [REDACTED] indicated that the topic of Mr. Abuel Shouhoud's management style came up almost every time he spoke to the Complainant.

Mr. [REDACTED] testified that the Complainant phoned him in January 2020 to discuss the December 3, 2019 incident. The Complainant told him that Mr. Abuel Shouhoud had breached her confidentiality and checked her Netcare report. Mr. [REDACTED] replied by indicating that checking Netcare would be something that is normally done when prescriptions are filled. Mr. [REDACTED] stated that the Complainant indicated that her Netcare was not checked as part of patient care but because Mr. Abuel Shouhoud was a controlling character. Mr. [REDACTED] didn't agree with this perspective and the conversation about Mr. Abuel Shouhoud ended at that point. During their conversation, the Complainant did not advise Mr. [REDACTED] that Mr. Abuel Shouhoud had disclosed her health information to another person without her consent or that she had not asked Mr. Abuel Shouhoud to fill a prescription for her when he checked the Netcare results.

On cross-examination, Mr. [REDACTED] denied that the conversation in January 2020 was to offer the Complainant a position as the Beauty Boutique Manager at his store. He indicated that they had spoken previously about the Beauty Boutique Manager position but that he did not have an open position at that time. He confirmed that he had a good working relationship with the Complainant.

Mr. [REDACTED] testified that this was his last conversation with the Complainant and that she subsequently removed him as her friend on Facebook.

On cross-examination, Mr. [REDACTED] indicated that the Complainant did not tell him that Mr. Abuel Shouhoud had shared her personal health information during a scheduled staff meeting. He confirmed that whether or not he would check Netcare each time he fills a prescription would depend on the medication and the patient's previous history.

**(f) Ahmed Abuel Shouhoud**

Mr. Abuel Shouhoud has been licensed as a pharmacist in Alberta since 2013. He was the Associate-Owner of the Store between 2017 and 2019. When he took over the Store, one of the things that [REDACTED] Corporate wanted him to do was to ensure that the practice of bulk sales in the Beauty Boutique ceased. As part of this endeavor, Mr. Abuel Shouhoud had to return excess stock of \$35,000 and in so doing, incurred a 20% restocking fee (\$7,000).

Approximately six months later, Mr. Abuel Shouhoud found that they were still carrying \$30,000 in inventory but it could not be restocked as it was older and the only option was to try to sell the inventory at a loss, which is what Mr. Abuel Shouhoud did.

Mr. Abuel Shouhoud addressed the bulk sales issue by holding weekly team management meetings with the Front Store Manager and the Complainant, as the Beauty Boutique Manager. He indicated that the Complainant pushed back on his

direction to cease the bulk sales. He described her as overwhelmed and frustrated. Her main argument was that other [REDACTED] stores were continuing to do it and it was unfair that the Store had to stop.

The ceasing of the bulk sales affected the Complainant and her staff as they were compensated in part by commission so the reduced revenue in the Beauty Boutique would have reduced the commissions payable.

Mr. Abuel Shouhoud understood that it was difficult for his employees as the ceasing of the bulk sales would reduce their commissions and mean that they would want to transfer to other stores who were continuing the practice. Accordingly, he explained to the Complainant that if she had Beauty Boutique advisors pushing back on her, she could bring them to him, and he would sit down with them to explain the rationale for ceasing the practice.

Mr. Abuel Shouhoud confirmed that the Store was subject to an internal audit in December 2018. The audit revealed that bulk sales were still occurring at the store. The audit report went to Corporate and as a result the VP of Operations and the District Manager for [REDACTED] visited the Store in January 2019. Mr. Abuel Shouhoud was required to sign a letter indicating that the Store would cease bulk sales activity or there would be consequences such as the end of the franchisee-franchisor relationship.

Mr. Abuel Shouhoud shared the results of the audit with the Complainant. He described her reaction as still pushing back and defending the transactions as not being bulk sales.

The audit resulted in a loss prevention manager coming to the store. Mr. Abuel Shouhoud then worked with [REDACTED] Human Resources to develop a letter that the Beauty Boutique employees were required to sign. The letter made it very clear that those employees who continued to engage in bulk sales would be immediately terminated.

After the letters were signed, Mr. Abuel Shouhoud indicated that there was a 30-40% decrease in revenue in the Beauty Boutique. This created a lot of pressure on the Complainant and the Beauty Boutique staff to find new and creative ways to generate revenue. To assist, Mr. Abuel Shouhoud offered a lot of support to the Complainant and encouraged her to take her team out for lunch or dinner. The Complainant nevertheless expressed concern about being able to meet the sales target. Mr. Abuel Shouhoud described the Complainant as feeling pressure, stressed, overwhelmed, crying at the management meetings and not feeling supported by him.

Mr. Abuel Shouhoud hired Ms. [REDACTED] in December 2018 as an Assistant Front Store Manager. When Ms. [REDACTED] was promoted to Front Store Manager, Mr. Abuel Shouhoud held back the responsibility of managing the Beauty Boutique notwithstanding that this would have normally been part of a Front Store Manager's duties. Mr. Abuel Shouhoud wanted to retain supervision over the Beauty Boutique

until he was satisfied that the bulk sales issue was under control and that no bulk sales activity persisted. Mr. Abuel Shouhoud described Ms. [REDACTED] as accepting the decision but being frustrated at not having the full scope of her duties.

Front Store Managers, including Ms. [REDACTED], are compensated by a monthly salary and a yearly bonus based on total front store achievement including the Beauty Boutique. Ms. [REDACTED] was aware that she would not receive a bonus in 2019 as a result of the bulk sales ceasing.

On November 30, 2019, Mr. Abuel Shouhoud attended at the Store. He had a discussion with Ms. [REDACTED] about the Complainant. He asked Ms. [REDACTED] why the Complainant had been intermittently away for the last few days. Ms. [REDACTED] indicated that the Complainant was feeling ill and had started to feel some symptoms again related to her condition. These symptoms included [REDACTED], [REDACTED], and [REDACTED]. As her physicians suspected [REDACTED], she was sent for further testing and investigations. In response to learning this, Mr. Abuel Shouhoud asked Ms. [REDACTED] to support the Complainant to her maximum ability.

Mr. Abuel Shouhoud testified when he arrived for the management meeting on December 3, 2019, the Complainant and Ms. [REDACTED] were in the front store office. This was the first time that Mr. Abuel Shouhoud had seen the Complainant in a while, so he asked how she was doing and how her health was. Ms. [REDACTED] then left the meeting after being paged to deal with a customer issue in the store.

After Ms. [REDACTED] left, Mr. Abuel Shouhoud told the Complainant that Ms. [REDACTED] had shared with him the Complainant's recent health challenges and that he hoped everything would be ok. The Complainant then shared that she had had a [REDACTED]. The Complainant was overwhelmed, in tears, scared and shaky when speaking to Mr. Abuel Shouhoud about the [REDACTED]. The Complainant indicated that she was concerned about her health and that nothing was yet confirmed.

Mr. Abuel Shouhoud then inquired as to when she had had the [REDACTED] done and the Complainant advised that she had had it done last week. Mr. Abuel Shouhoud then offered to check the results [REDACTED] [REDACTED] for her as he was her pharmacist. In response, the Complainant stated, "please don't". The Complainant said this in a soft voice and held her hands up with the palms out as if she was pushing something away. Mr. Abuel Shouhoud interpreted this as meaning that the Complainant did not want to hear bad news. After that, Mr. Abuel Shouhoud changed the subject and they began to speak about the topics to be discussed in the management meeting.

Mr. Abuel Shouhoud also indicated to the Complainant that she had some medications to be refilled. The Complainant replied that Mr. Abuel Shouhoud should fill the prescriptions as usual. Mr. Abuel Shouhoud knew that the Complainant had some medications to be refilled because he had pulled a Refill Due report which indicates which prescriptions are overdue. At that point, Mr. Abuel Shouhoud left to go to his own office to prepare for the management meeting.

The Complainant arrived first to the meeting and she and Mr. Abuel Shouhoud discussed the possibilities for a renovation for a room to administer Botox. The Complainant recalled that she had forgotten her notebook and left to go get it. While she was gone, Mr. Abuel Shouhoud opened HealthWatch on his computer and began to fill the Complainant's prescriptions. HealthWatch is the dispensing and patient record software system used at [REDACTED]. HealthWatch showed that both [REDACTED] and [REDACTED] were due to be refilled.

Mr. Abuel Shouhoud also checked the Complainant's Netcare record. He viewed the Complainant's [REDACTED] results and the [REDACTED]. He did this because of concern about a [REDACTED]. The concern arose in the event that there was [REDACTED]. [REDACTED] can affect [REDACTED], and [REDACTED] is contraindicated when the patient has any [REDACTED]. This concern is set out in the Product Monograph and patient information leaflet for [REDACTED] so is common knowledge that can be easily looked up. The [REDACTED] was normal with no [REDACTED] which meant he could safely dispense [REDACTED].

Mr. Abuel Shouhoud indicated that he also checked Netcare in relation to [REDACTED] prescription as it is a [REDACTED] and he wanted to check for abuse of the drug.

Mr. Abuel Shouhoud reviewed the prescription records (Exhibit 1, Tab 22, pages 90-93) and confirmed that the term "late" with a number indicated that the prescription was overdue for that number of days. He also confirmed that the term "entry" means that a request to fill the prescription was entered and the term "complete" means that the patient has picked up the prescription. Mr. Abuel Shouhoud further confirmed that his username was associated with these entries.

While Mr. Abuel Shouhoud was processing the prescriptions, Ms. [REDACTED] arrived for the meeting. Mr. Abuel Shouhoud asked her why she was late. Mr. Abuel Shouhoud was engaged with his computer screen at the time, however, and not fully engaged in his conversation with Ms. [REDACTED]. He recalled that she was speaking about a frustrated customer. Mr. Abuel Shouhoud estimated that he and Ms. [REDACTED] were alone for about 45 seconds, although it could have been longer. Mr. Abuel Shouhoud did not have a conversation with Ms. [REDACTED] about the Complainant, her health information or her Netcare results during this time.

Under cross-examination, Mr. Abuel Shouhoud conceded that he had earlier indicated in his statement to the College that there was no time difference between when Ms. [REDACTED] entered his office and when the Complainant followed. He confirmed that there may have been an approximately 45-second gap.

Mr. Abuel Shouhoud described his desk in his office as being perpendicular to his office door with two seats facing the desk at either corner. The seats are about 4-5 feet apart from each other. On his desk was his computer, some mailing papers and

his keys. Ms. [REDACTED] sat in the chair closest to the door. When the Complainant arrived, she sat in the other chair closest to the back wall.

After the Complainant arrived, Mr. Abuel Shouhoud indicated that before they started their meeting, he wanted her to read the last paragraph on the computer screen, which he turned towards her in a counterclockwise direction. He did this so that the computer screen would not be visible to Ms. [REDACTED] and so that he would not be saying anything out loud. Mr. Abuel Shouhoud testified that he did not discuss or read anything out loud regarding the Complainant's health information or Netcare results when Ms. [REDACTED] was present in the office.

The [REDACTED] report was on the computer screen. When the Complainant saw the computer screen, she stated to Mr. Abuel Shouhoud, "I told you not to." Mr. Abuel Shouhoud did not comment in response but waited to see what the Complainant would do next. The Complainant then read the results of the [REDACTED] on the computer screen. Afterwards, Mr. Abuel Shouhoud turned the computer screen back towards him. Mr. Abuel Shouhoud testified that he decided to show the [REDACTED] results to the Complainant as he wanted to relieve her stress and make her feel better. He perceived his actions as helping his patient. After he turned the computer screen back, Mr. Abuel Shouhoud, the Complainant and Ms. [REDACTED] continued with the regular management meeting.

Under cross-examination, Mr. Abuel Shouhoud denied that he disclosed the [REDACTED] results to the Complainant after she had asked him not to review them as it was his interpretation that she did not want to hear bad news. He acknowledged that showing the Complainant the results of [REDACTED] constitutes a disclosure of personal health information to a patient. Mr. Abuel Shouhoud thought in his head that he would discuss the results of the [REDACTED] with the Complainant after their meeting, but he did not verbalize any intent to do so.

Mr. Abuel Shouhoud had a conversation with Ms. [REDACTED] on December 7, 2019 where Mr. Abuel Shouhoud inquired about the Complainant's ongoing absences from work since December 3, 2019. Ms. [REDACTED] told Mr. Abuel Shouhoud that the Complainant was sick.

That same day, Mr. Abuel Shouhoud was informed by a [REDACTED] VP that the Complainant had filed a complaint that he had accessed her Netcare without her consent. On December 9, 2019, Mr. Abuel Shouhoud attended at the corporate offices to discuss the complaint with the VP and a Human Resources specialist. He explained that the Netcare access was done in conjunction with filling a prescription for the Complainant.

At the time, Mr. Abuel Shouhoud described his relationship with [REDACTED] as good although they had some disagreement over how the business should be run. However, Mr. Abuel Shouhoud met with [REDACTED] again on December 19, 2019, at which time they informed him that they would not be renewing his franchise contract in May 2020. Mr. Abuel Shouhoud asked if the non-renewal had anything to

do with the incident involving the Complainant. [REDACTED] advised that the non-renewal decision was based on the disagreements about running the business and not the incident involving the Complainant.

Under cross-examination, Mr. Abuel Shouhoud was asked to explain certain entries on the Refill Due reports. He testified that the last time the [REDACTED] was filled prior to December 3, 2019 was February 5, 2019. He conceded that the [REDACTED] would have shown up on a Refill Due Report well in advance of December 3, 2019 and that he would have seen that the [REDACTED] was due for a refill in advance of December 3, 2019. Mr. Abuel Shouhoud did not recall that the Complainant asked for her [REDACTED] medication to be refilled on December 3, 2019.

Mr. Abuel Shouhoud agreed that he checked the Complainant's Netcare at 3:12 p.m. on December 3, 2019. He also confirmed that he started processing the prescription refills in HealthWatch at 3:21 p.m. Mr. Abuel Shouhoud denied that he took the step to refill the prescription only after he became aware of the Complainant's concerns about him accessing her Netcare and disclosing the [REDACTED] results.

In his written response to the College, Mr. Abuel Shouhoud confirmed that he had stated that he had checked the Complainant's Netcare to check whether there was an [REDACTED], in order to update her file with the notes so that the pharmacy team was aware while they were checking her prescriptions and to update her patient file if needed. He confirmed that this was still his recollection of why he checked her Netcare profile. He conceded, however, that he had not updated the Complainant's file with the negative results.

Mr. Abuel Shouhoud confirmed that it was part of his standard practice to check his patients' Netcare when he fills prescriptions. He also agreed that he must check Netcare if he is dispensing controlled drugs or narcotics to ensure that the patient is not filling multiple prescriptions at different pharmacies. However, he conceded that he did not check the Complainant's medication profile on Netcare on December 3, 2019 despite dispensing [REDACTED] on that date. He stated that this was not necessary because she was his long-standing patient and he knew she was not abusing drugs.

Mr. Abuel Shouhoud confirmed that the Complainant's Netcare record was only accessed in 2019 in February by a pharmacist named [REDACTED] and again on December 3, 2019. Mr. Abuel Shouhoud denied that he used the fact that the Complainant had medications available for refill as an excuse to check her [REDACTED] results out of curiosity and not out of professional duty.

In response to a question from the Hearing Tribunal, Mr. Abuel Shouhoud confirmed that he does not check [REDACTED] on Netcare to ascertain whether or not it would be appropriate to give a [REDACTED]. He stated that it would not be on every single occasion that he checked Netcare. Mr. Abuel Shouhoud also conceded that he did not document the Netcare access on December 3, 2019 or the information that was accessed anywhere in the Complainant's patient record. In response to why he didn't document it, if he thought the access was relevant to

dispensing the prescriptions, Mr. Abuel Shouhoud indicated that he didn't dispense the prescription (i.e. he was not the pharmacist signing off on the dispense) and that he would only generally record a positive test result. There was nothing of note for his pharmacy team.

## V. SUBMISSIONS

### (a) Submissions on behalf of the Complaints Director

The first task of the Hearing Tribunal is to determine, on a balance of probabilities, whether the conduct set out in the allegations in the Notice of Hearing is factually proven. In other words, are the factual allegations more likely than not to have occurred? If the allegations are factually proven, the Hearing Tribunal must determine whether the proven allegations amount to unprofessional conduct under the HPA.

In its simplest sense, this case is about Mr. Abuel Shouhoud's failure to respect the Complainant's boundaries when he disclosed her personal health information after she expressly asked him not to review that information in the first place and then by aggravating the situation when he disclosed the personal health information in a staff meeting. Any argument by Mr. Abuel Shouhoud that the Complainant did not ask Mr. Abuel Shouhoud not to disclose her health information, only not to review it, is an artificial distinction and should not be entertained by the Hearing Tribunal.

Mr. Abuel Shouhoud's actions were not just a mere error in judgement. Pharmacists are in a position of power which is only further emphasized when the pharmacist is also the employer.

The evidence needed to support allegations 2 and 3 is not contradicted. Prior to going into the staff meeting on December 3, 2019, the Complainant told Mr. Abuel Shouhoud she did not want him to review the results. Mr. Abuel Shouhoud admitted this in his written response, in his meeting with Mr. Stanowich and before the Hearing Tribunal in his testimony. However, he did try to diminish the Complainant's express direction not to review the results by indicating that he interpreted this direction to mean that she did not want to hear bad news. Mr. Abuel Shouhoud similarly admits to the disclosure itself when he confirmed that he turned his computer screen with the [REDACTED] results up around for the Complainant to read. This admission was made in his written response, during his interview with Mr. Stanowich and before the Hearing Tribunal.

Principle 2.5 of the Code of Ethics requires an Alberta pharmacist to respect the right of a cognitive patient to accept or reject any treatment, care or professional services. In both letter and spirit, Mr. Abuel Shouhoud disregarded this provision in respect to the disclosure that he made to the Complainant.

Allegation 3 alleges that Mr. Abuel Shouhoud disclosed the Complainant's personal health information in a manner that was neither private nor confidential when he did so in front of Ms. [REDACTED]. In carrying on with Mr. Abuel Shouhoud's admission that he turned his laptop towards the Complainant, he disclosed her health information to her in a staff meeting with their colleague Ms. [REDACTED] present. In doing so, he failed to respect the Complainant's right to seek pharmacy services in a private and confidential manner.

Even if the result on the computer screen could not be read by Ms. [REDACTED], the Complainant was not in a position to ask questions, or, even by Mr. Abuel Shouhoud's own admission in his written response, have him explain to her why he felt it was necessary for him to check her [REDACTED] results. In both letter and spirit, Mr. Abuel Shouhoud failed to uphold Principle 4.6 of the Code of Ethics which requires a pharmacist to protect each patient's privacy during any consultation. Arguably this especially extends to an unrequested consultation the patient had not requested, and in which sensitive personal health information such as the results of a [REDACTED] for a patient with a history of [REDACTED] were being disclosed.

The discussion of Allegation 1 merits some discussion about witness credibility.

In Ms. [REDACTED]'s evidence, she maintained that Mr. Abuel Shouhoud indicated to her that the Complainant's results were good; a fact that Mr. Abuel Shouhoud appears to vehemently deny. However, both Ms. [REDACTED] and the Complainant agree that Ms. [REDACTED] told the Complainant that this had happened after the staff meeting. As a result of this contradiction, the Hearing Tribunal needs to look at which of the witnesses before it, was credible and reliable on this point.

Credibility is not an all-or-nothing proposition. The Hearing Tribunal is able to find that it accepts all, some or none of a witness's evidence. If the Hearing Tribunal disbelieves a witness on a specific point, it doesn't mean the Hearing Tribunal needs to disbelieve their testimony entirely. For the decision to withstand scrutiny, the Hearing Tribunal will have to ensure that it reconciles the contradictory evidence by stating not only its findings but the basis for them and the reasons the Hearing Tribunal found someone to be credible or not. The credibility of a witness will influence the weight given to their evidence and can assist the Hearing Tribunal in making findings of fact on contradictory or conflicting accounts.

The factors to assess credibility include:

- credibility of a witness's testimony include the witness's demeanour, which is probably not something the Hearing Tribunal should place a significant amount of weight on as there are many reasons, such as comfort or culture, as to why a witness may give evidence in a certain way;
- the witness's recollection of the events, was it good, did they make contemporaneous notes,

- the internal consistency of the witness's evidence, has the witness changed their evidence over time,
- the external consistency of a witness's evidence, is the evidence consistent with other witnesses and the documentation that is before the Hearing Tribunal,
- motivation, is there motivation for a witness to recall or perceive events taking place in a certain way,
- evasiveness, was the witness intentionally vague or did they appear to intentionally avoid providing evidence,
- was the witness biased, and
- the witness's ability to perceive or recall an event, is there information firsthand.

One of the most important factors in assessing credibility is plausibility. As stated in *Faryna v. Chorny*:

The credibility of interested witnesses, particularly in cases of conflict of evidence, cannot be gauged solely by the test of whether the personal demeanour of the particular witness carried conviction of the truth. The test must reasonably subject his story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.

In cross-examination, Mr. Wreschner attempted to bring to light the fact that the Complainant was unhappy with Mr. Abuel Shouhoud when he stopped the Beauty Boutique from engaging in bulk sales and as a result she was motivated to come forward with a complaint against him. The evidence that is before the Hearing Tribunal causes this suggestion to fall short. The Complainant was clear that this past history between herself and Mr. Abuel Shouhoud did not impact her decision to come forward.

It is of note that Mr. Abuel Shouhoud left the pharmacy almost a year ago and still the Complainant is unable to return to work there. She has gone through the process of reaching out to a crisis counsellor and applying for WCB coverage. She was demonstrably still shaken by the events of December 3, 2019 when she testified before this Hearing Tribunal.

It is outside of the preponderance of probabilities that the Complainant would go through all of that to add fiction to her complaint by suggesting that not only did Mr. Abuel Shouhoud disclose her personal information to her, which is not a fact that is contested, but also to Ms. [REDACTED].

Ms. [REDACTED]'s testimony showed no personal motivation for her to come forward as a witness in this hearing or to testify that the Complainant's personal health information

was shared with her. As her testimony demonstrated, she was very uncomfortable with the situation Mr. Abuel Shouhoud placed her in when he shared that the Complainant's results were good, first with her before the Complainant entered the room, and later when she returned. She knew it wasn't right.

She has firsthand evidence of having the information disclosed to her. Her recollection is consistent from her meeting with Mr. Stanowich to her testimony before the Hearing Tribunal. That she told the Complainant about Mr. Abuel Shouhoud's disclosure after the staff meeting is also consistent with the Complainant's evidence. There is evidence from both Ms. [REDACTED] and the Complainant that they had not discussed the events again in detail in the lead-up to this hearing.

While Ms. [REDACTED] admits to lying to Mr. Abuel Shouhoud about the Complainant's absence from work after the December 3, 2019 events, her admitted discomfort in lying to Mr. Abuel Shouhoud and the fact that she reached out to [REDACTED] HR to express this is an act that weighs in her favour with respect to her credibility and speaks positively about her character.

On the other hand, as an investigated member, Mr. Abuel Shouhoud is motivated to share a different story. His version of events is not consistent from his written statement, to his meeting with Mr. Stanowich, to his testimony before this Tribunal.

For example, in his written statement he stated that both the Complainant and Ms. [REDACTED] entered his office at the same time, whereas in his testimony he admitted that Ms. [REDACTED] was in his office for a period of time while the Complainant was retrieving her notebook.

He stated that he continuously checked the Refill Due reports for the pharmacy, but that it was only on December 3, 2019 that the Complainant told him to refill as usual, despite the fact that her [REDACTED] was 287 days late and that her other medications hadn't been dispensed since September, and that these are as-needed medications that don't necessarily require a refill on a regular basis.

His version of events is less plausible and not supported by the evidence or his prior statements. Nobody from the Store checked Netcare for the Complainant in 2019 on a regular basis. Notably, the only time it was checked other than on December 3, 2019, was when it was checked by a relief pharmacist and not a regular employee of the store.

There is also the discrepancy in Mr. Abuel Shouhoud's written statement that says that he checked her medication profile on Netcare, but this isn't verified by the Netcare login, nor is there an indication that Mr. Abuel Shouhoud made any notations on the Complainant's chart to confirm for his team that it was safe to dispense [REDACTED] to the Complainant.

Based on the preponderance of probability and all of the evidence, it is far more likely than not that after he checked the [REDACTED] results at 3:12 p.m. and stated to Ms. [REDACTED] that they were good and revealed the results to the Complainant when she returned to the office shortly thereafter, he realized he had made an unauthorized disclosure and then took the steps to refill overdue medications to cover up his error.

That Mr. Abuel Shouhoud may not have specifically disclosed what results were good to Ms. [REDACTED] is also, an inconsequential fact, as Ms. [REDACTED] was able to arrive at a conclusion as to what Mr. Abuel Shouhoud was talking about without further information being provided to her.

The Complaints Director submitted that the Complainant and Ms. [REDACTED]'s recollection on this point and the events that occurred should be found to be more credible than Mr. Abuel Shouhoud's and that in addition to Allegations 2 and 3, Allegation 1 is also made out on a balance of probabilities.

In terms of whether the conduct amounts to unprofessional conduct, section 34(1) of the *Health Information Act* ("HIA") provides that no custodian shall disclose health information without consent. In this case, the Complainant did not consent to the disclosure to herself, let alone to Ms. [REDACTED].

Section 35(1) of the HIA allows disclosure of health information to family members or those with a close personal relationship as long as the disclosure is not contrary to the express request of the individual. It is in the letter and spirit of this provision where the Complainant asked that Mr. Abuel Shouhoud not review her information, she would also have expressly asked that he not disclose it to anyone else, let alone a colleague.

Section 107(2) of the HIA provides that no person shall knowingly collect, use, disclose or create health information in contravention of this Act. Those provisions have been breached by Mr. Abuel Shouhoud through his conduct in this matter.

Mr. Abuel Shouhoud engaged in a clear breach of a patient's request, disclosed personal health information to a staff member who is not a regulated health professional, and, in doing so, showed a lack of concern or regard for his patient's privacy and wishes. His actions are compounded by the dual relationships of a pharmacist and an employer and the clear wishes of the patient. As the Complainant's evidence demonstrated, this is not a minor matter but one that reflects poorly on the profession as a whole.

**(b) Submissions on behalf of Mr. Abuel Shouhoud**

The Complaints Director has failed to make out the three allegations of unprofessional conduct against Mr. Abuel Shouhoud.

The evidence put forth by the Complaints Director suggests Mr. Abuel Shouhoud had two separate instances to disclose the Complainant's health information to Ms.

██████████. First, when Mr. Abuel Shouhoud and Ms. ██████████ were alone in his office waiting for the Complainant to arrive with her notebook from the store, and second, when all three witnesses, the Complainant, Ms. ██████████ and Mr. Abuel Shouhoud, were in Mr. Abuel Shouhoud's office together when she arrived with the notebook.

In relation to the first instance, Ms. ██████████'s evidence provided in her own examination-in-chief was inconsistent. When asked directly about what happened upon entering the room, Ms. ██████████ testified Mr. Abuel Shouhoud had told her the results were great. The evidence suggests no reference was made to the Complainant during any conversation that occurred, but rather Mr. Abuel Shouhoud made a statement to her without provocation.

Ms. ██████████ subsequently confirmed the memo of her conversation with investigator Stanowich was accurate, however, wherein she states upon observing Mr. Abuel Shouhoud was smiling and happy, she asked him what he was looking at, to which he replied the Complainant's test results were good. Upon informing Mr. Abuel Shouhoud that he should not look at them, Mr. Abuel Shouhoud said it was okay and the results were good. Mr. Abuel Shouhoud's evidence, on the other hand, did not differ on his examination-in-chief nor on his cross-examination.

As far as the second instance and the disclosure of the Complainant's health information to Ms. ██████████ when the Complainant was present, M██████████'s admission she did not see the screen throughout the meeting in Mr. Abuel Shouhoud's office is sufficient to rule out the Complainant's health information was disclosed in writing to her by production or viewing of the report or an excerpt thereof.

When the Complainant was asked directly about the incident, upon the screen being flipped towards her, she said she was told to read it. Nowhere thereafter did she testify in her examination-in-chief that Mr. Abuel Shouhoud read a quote or discussed the test results out loud during that time or throughout the meeting. However, she did again confirm the accuracy of investigator Stanowich's report thereafter.

Both the Complainant in cross and Mr. Abuel Shouhoud testified that Mr. Abuel Shouhoud could not view the contents of the screen once it was turned towards her. Common sense and logic dictates that once the screen was turned the Complainant, as admitted by all parties, Mr. Abuel Shouhoud could not read the results of the screen he could not see.

As such, the only possibility of disclosure of the Complainant's health information that could have been made in that room to Ms. ██████████ was orally before the screen was turned. Again, the evidence from Ms. ██████████ was that Abuel Shouhoud told the Complainant the results were good, but she could not provide any specificity in her own evidence as to what those results were at the time. And she admitted, albeit reluctantly, she did not know what they were.

Ultimately, the Tribunal must make a decision on the credibility of the parties that have testified before it. Ms. ██████████'s inconsistent testimony in her own

examination-in-chief on the disclosure of the Complainant's health information to her while in private with Mr. Abuel Shouhoud and while the Complainant was in the room, her insistence that Mr. Abuel Shouhoud read off the screen after the computer screen was flipped, despite the fact he could not see it; Ms. [REDACTED]'s admission she lied to Mr. Abuel Shouhoud about the Complainant's absence from work and the fact that she testified she told no one else other than [REDACTED] about that lie, despite the Complainant later testifying Ms. [REDACTED] told the Complainant about the lie; Ms. [REDACTED]'s insistence she did not see Mr. Abuel Shouhoud on the incident date until she attended the meeting in his office, despite both the Complainant and Mr. Abuel Shouhoud testifying Ms. [REDACTED] was in her own office talking to the Complainant when Mr. Abuel Shouhoud first ran into both of them on the incident date suggest Ms. [REDACTED]'s recollection of the events here are less reliable than Mr. Abuel Shouhoud's and should be given less weight than that of Mr. Abuel Shouhoud's.

The Complainant's inconsistent testimony in her own examination-in-chief on the disclosure of her own health information while in Mr. Abuel Shouhoud's office, including her failing to testify in her examination-in-chief that Mr. Abuel Shouhoud read anything aloud to her after he put the screen to her, her subsequently admitting the conversation with the investigator was accurate wherein she states that after he flipped the screen he did read something to her, her admission in cross-examination that Mr. Abuel Shouhoud could not see the screen after it was turned to her as it was in fact facing her, and her subsequent testimony to the Hearing Tribunal's query that he read the results to her after turning the screen towards her, and her admission that Mr. Abuel Shouhoud never left the chair or moved it throughout the time they were in the office suggests her recollection of the events is less than reliable and should be given less weight and deference than that of Mr. Abuel Shouhoud's.

All parties testified Mr. Abuel Shouhoud took the time and effort to disclose something on the screen by turning the screen to the Complainant where only she could read it. The only evidence before the Tribunal as to why the screen was turned for her to read was that it was done to protect the privacy of delivering health information to the Complainant. Logically it does not follow that Mr. Abuel Shouhoud would take the steps he did in turning the screen if he were to disclose the Complainant's health information orally to the parties in the room. As such, the evidence of Mr. Abuel Shouhoud should be accepted on Allegation 1.

With respect to Allegation 2, the Complainant testified that when Mr. Abuel Shouhoud said he could look at her [REDACTED] results, she told him not to. Also in examination-in-chief she admitted the memo of her conversation with investigator Stanowich was an accurate account of the conversation that occurred in which she stated for this issue Mr. Abuel Shouhoud asked her four times to check the results, all of which she responded to with the response of no. On being questioned by the panel she testified Mr. Abuel Shouhoud asked her to look at the results three times, all of which she said the response was no. On cross, when it was put to her, her response to his request to check her [REDACTED] results was, in fact, please don't, she answered, yes, I said no. On cross, she denied she replied in a soft voice or had tears in her eyes but

admitted she did not recall if she used her hands to make space with her palms facing outward, as demonstrated by Mr. Abuel Shouhoud in his examination.

The conclusion on the issue of Mr. Abuel Shouhoud seeking to review her [REDACTED] results for her, the Complainant's testimony as to her telling Mr. Abuel Shouhoud not to review her Netcare changed four times throughout the time she testified in this hearing, depending on who was asking her questions about it. Mr. Abuel Shouhoud, on the other hand, was clear, he asked once, and received an answer, please don't. He understood this to mean the patient he had treated for two years, who appeared emotional and crying in a soft voice and was stressed, did not want to hear bad news.

The range of inconsistencies in the Complainant's own answers as put forth by her suggest her recollection of the events are less reliable than Mr. Abuel Shouhoud's and should be given less weight and deference than his own.

On the issue of Mr. Abuel Shouhoud asking and being authorized to fill her four overdue medications, this is an important issue as it speaks to credibility and Mr. Abuel Shouhoud's actions thereafter. Although the Complainant denied she requested the four medications in question to be refilled, she admitted she told Mr. Abuel Shouhoud on December 3, 2019 to refill her medication as usual, but stated it was for her [REDACTED] medication. The suggestion that the request was to refill her [REDACTED] medication is inconsistent with her own statement to investigator Stanowich, wherein she stated it was not until after that date that she subsequently requested her [REDACTED] medication be refilled.

The audit log for the [REDACTED] medication supports that the [REDACTED] medication was not in fact requested by the Complainant until it was either auto-refilled or ordered by her online on December 14, 2019. The Complainant admits that she did not speak to Mr. Abuel Shouhoud after December 3, 2019.

The fact is both the Complainant and Mr. Abuel Shouhoud say the request to fill a prescription was made on December 3<sup>rd</sup> in Ms. [REDACTED]'s office. The independent audit log evidence suggests that the [REDACTED] medication was not requested until December 14<sup>th</sup> and was not entered into the system to be filled by Mr. Abuel Shouhoud. Logically, the only conclusion left to draw is the four medications were requested to be refilled as usual as they were overdue for refill.

With the knowledge that [REDACTED] would have a contradiction with [REDACTED], Mr. Abuel Shouhoud, having knowledge of the recent [REDACTED], checked Netcare as part of his professional duties to his patient to ensure no drug therapy problem.

With respect to Allegation 3, a discussion between a pharmacist and a patient at a desk and a party -- or at a desk during the day with another party a few feet away in a lineup is akin to a scenario played out daily across Canada. It is not an uncommon sight to see people waiting in line at [REDACTED] to speak to a pharmacist and only a few feet away that pharmacist engaged in a discussion over the counter with

another customer or patient. Should disclosure by flipping of a screen where no other party can view it, other than the patient, be deemed neither private nor confidential, this would call into question a significant number of pharmacist-patient interactions across this country.

Overall, Mr. Abuel Shouhoud followed the Standards of Practice, Code of Ethics and relevant legislation based on his conduct and all steps taken to the letter of the law. Mr. Abuel Shouhoud followed the standards and the spirit by disclosing the results to the Complainant in an attempt to help her, and based on his interpretation of her reply, "please don't".

Further, Mr. Abuel Shouhoud's conduct does not rise to the level of unprofessional conduct. *Strother v. Law Society of British Columbia*, a 2018 Court of Appeal case made clear when it comes to assessing unprofessional conduct in professional disciplinary settings, unprofessional conduct is not so broad as to capture mere errors in judgment. The conduct must display culpability of a gross or aggravated nature, rather than a mere failure to exercise ordinary care.

Should the Hearing Tribunal disagree with Mr. Abuel Shouhoud's interpretation of the Complainant's response to the request to check her Netcare, then it remains open for this panel to find Mr. Abuel Shouhoud's action were a result of a mere error in judgement and are not deserving of sanction for unprofessional conduct.

With respect to the bulk sales, this issue is not in and of itself determinative of whether or not the material conversations and interactions occurred in the manner they did on the incident date. However, the evidence tendered on the bulk sales does speak to the character and credibility of the Complainant and Ms. [REDACTED] and Mr. Abuel Shouhoud and their relationships, and may also speak to potential motivation for the complaint to be made by the Complainant in the manner that it was.

With respect to credibility, one of the factors that was discussed was external consistency - where witness statements are consistent with one another, that is one factor to take into account. The fact is the Complainant and Ms. [REDACTED] did speak to one another after the meeting. They had an opportunity to discuss the events. Corroboration of evidence is a real potential here. It doesn't have to happen out of mal intent or malice, and that is not what is suggested happened after that December 3<sup>rd</sup> date and the meeting and their discussion. But caution should be exercised when giving weight to this factor. Account must be taken of the subsequent conversations between those parties.

After taking into account the totality of the evidence of all the witnesses, deference should be given to the version of events as stated by Mr. Abuel Shouhoud, and the allegations of unprofessional conduct against him should be dismissed. If the Hearing Tribunal should find that his version of the events are, in fact, true but remain of the opinion that his conduct was less than what would be accepted -- or expected by a pharmacist, the actions and the nature of his transactions are not so egregious or aggravated in nature so as to rise to the level of unprofessional conduct.

## VI. FINDINGS

### Allegation 1

The Hearing Tribunal finds that Allegation 1 is not proven on a balance of probabilities. This allegation turns on whether Mr. Abuel Shouhoud disclosed the Complainant's personal health information to Ms. [REDACTED].

There are conflicting versions of events between Mr. Abuel Shouhoud, the Complainant and Ms. [REDACTED] on what exactly transpired on December 3, 2019 at the Store, specifically what was said, if anything, by Mr. Abuel Shouhoud to Ms. [REDACTED] or in front of Ms. [REDACTED] regarding the Complainant's personal health information from Netcare. Ms. [REDACTED] agrees that she could not read anything off of Mr. Abuel Shouhoud's computer screen when in Mr. Abuel Shouhoud's office with the Complainant, so clearly disclosure to Ms. [REDACTED] did not occur via the computer screen.

Regarding potential verbal disclosure, there are two possibilities. Firstly, while Mr. Abuel Shouhoud and Ms. [REDACTED] were in his office together without the Complainant, while the Complainant was retrieving her notebook, and secondly, while all three (Mr. Abuel Shouhoud, the Complainant and Ms. [REDACTED]) were in Mr. Abuel Shouhoud's office together.

In the first instance, Mr. Abuel Shouhoud initially said in his written response received by the College on February 14, 2020 that there was no time where he was alone with Ms. [REDACTED] in his office (p. 80, Exhibit 1). He later stated in his February 25, 2020 interview with Mr. Stanowich (p.108, Exhibit 1) and during his testimony during the hearing (p. 311, 344 Transcript) that he was alone with Ms. [REDACTED] in his office for a brief period of time (approximately 45 seconds) but which he considered as being "no time" (p. 345, Transcript). However, Mr. Abuel Shouhoud denies that there was any discussion of the Complainant or her health information during this window (p. 321, Transcript).

In her interview with Mr. Stanowich, Ms. [REDACTED] states that Mr. Abuel Shouhoud told her that he was looking at the Complainant's test results and said "they're good" but did not disclose specifically which results he was referring to (p. 102, Exhibit 1). During her testimony before the Hearing Tribunal, Ms. [REDACTED] similarly said that Mr. Abuel Shouhoud said that the Complainant's results "were good" (p. 212, Transcript). Ms. [REDACTED] suspected that Mr. Abuel Shouhoud was referring to the Complainant's [REDACTED] results, as Ms. [REDACTED] was aware that the Complainant had gone for a [REDACTED] and was awaiting those results but confirmed that she "didn't actually know at the time" (p. 213, Transcript). Ms. [REDACTED] also agrees that the time that Mr. Abuel Shouhoud and Ms. [REDACTED] were together was brief (p. 238, Transcript). In the second instance, when all three – Mr. Abuel Shouhoud, the Complainant and Ms. [REDACTED] - were in Mr. Abuel Shouhoud's office together upon the Complainant returning with her notebook, Mr. Abuel Shouhoud claims in his

written response that he flipped the computer screen, containing the Complainant's [REDACTED] results from her Netcare profile, towards the Complainant in such a manner that Ms. [REDACTED] could not see it and asked the Complainant to read the last paragraph but he did not read anything out loud (p. 80, Exhibit 1). This is consistent with what he told Mr. Stanowich during his interview with Mr. Stanowich (p. 109, Exhibit 1) as well as his testimony during the hearing (p. 324, Transcript).

Ms. [REDACTED] stated in her interview with Mr. Stanowich that when the Complainant returned, she appeared able to tell from the look on Ms. [REDACTED]'s face that something had happened and asked, "what is going on?" (p. 103, Exhibit 1). She further advised Mr. Stanowich that Mr. Abuel Shouhoud told the Complainant that he was looking at her results, that the Complainant responded with "I told you not to do that" and Mr. Abuel Shouhoud then told her that her results were good, turned his computer screen towards the Complainant and read several excerpts of the results out loud (p. 103, Exhibit 1).

In her testimony before the Hearing Tribunal, Ms. [REDACTED] similarly testified that when the Complainant returned to the office, she appeared able to tell from the look on Ms. [REDACTED]'s face that something had happened and asked "what is going on?" (p. 211-212 Transcript). Ms. [REDACTED] further elaborated that even though Mr. Abuel Shouhoud read a quotation from the results, she could not describe what was said and that she suspected Mr. Abuel Shouhoud was referring to the Complainant's [REDACTED] results, as Ms. [REDACTED] was aware that the Complainant had gone for a [REDACTED] and was awaiting those results but confirmed that she "didn't actually know at the time" (p. 212, Transcript).

In her interview with Mr. Stanowich on February 26, 2020, the Complainant stated that when she returned to the office, Ms. [REDACTED] looked like she was "going to throw up" and when she asked if everything was okay, Mr. Abuel Shouhoud told her the [REDACTED] results were fine. Mr. Abuel Shouhoud turned his computer screen towards the Complainant and he read parts of the results in front of Ms. [REDACTED]; the Complainant then asked Mr. Abuel Shouhoud if she could review the results on the screen and she reviewed them (p. 106, Exhibit 1).

This is slightly different than the Complainant's testimony before the Hearing Tribunal. When she returned to the office, the Complainant testified that Ms. [REDACTED] was visibly upset. The Complainant then asked what was wrong and Ms. [REDACTED] stated, "it's not right". Ms. [REDACTED] did not advise Mr. Stanowich or testify before the Hearing Tribunal that she made the statement "it's not right". The Complainant also testified that Mr. Abuel Shouhoud told the Complainant that her [REDACTED] results were fine, and he then turned the computer screen around to the Complainant for her to read, which she did. Later, in response to questions from the Hearing Tribunal, the Complainant stated "...[Mr. Abuel Shouhoud] said that your results are fine. And I said, I asked you not to look at those. And he said, doesn't matter, they're fine. And then he turned the screen around for me to see it and read off of it. He did read me some of the results before he flipped the screen. [Ms. [REDACTED]] was there the whole time with me listening to all of this. And we finished up our

meeting. I honestly -- like, everything from that point on is blurry. I was upset. I have [REDACTED], and it was just -- that pushed me over” (P. 200, Transcript).

The Hearing Tribunal considered the credibility factors from *Tsang v Mok*, 2020 ABQB 17 as well as the test from *Faryna v Chorny* [1952] 2 D.L.R. 354, at 357 (BCCA).

With respect to the first instance, when only Ms. [REDACTED] and Mr. Abuel Shouhoud were together in the office, the Hearing Tribunal finds that it does not need to engage in a credibility assessment. If the Hearing Tribunal accepts Mr. Abuel Shouhoud’s version of events, then the allegation is not made out as Mr. Abuel Shouhoud testified that there was no discussion with Ms. [REDACTED] about the Complainant or her health information. If the Hearing Tribunal accepts Ms. [REDACTED]’s version of events, the Hearing Tribunal is similarly not satisfied that, on a balance of probabilities, that the allegation has been made out. While Ms. [REDACTED] testified that Mr. Abuel Shouhoud told her that he was looking at the Complainant’s test results and that the test results were “good”, she also testified that, while she suspected, she did not actually know at the time what the good test results referred to.

The Hearing Tribunal has considered whether Mr. Abuel Shouhoud advising Ms. [REDACTED] that the Complainant had good test results, without more, is sufficient to amount to an unauthorized disclosure of health information. Given the lack of specificity in terms of the nature of the test results, and Ms. [REDACTED]’s acknowledgment that, at the time, she did not know what the test results referred to, the Hearing Tribunal finds that, in the circumstances, the evidence falls short of amounting to an unauthorized disclosure of health information.

This leads then to a consideration of the second instance. Mr. Abuel Shouhoud’s version of events is that when the Complainant entered the room, he told her he wanted her to read something and then turned the computer screen to her in a manner that did not pass Ms. [REDACTED]’s field of vision. He testified that he did not make any other comments or statements out loud about the Complainant’s health information.

The Complainant and Ms. [REDACTED], on the other hand, indicate that Mr. Abuel Shouhoud first stated out loud that the Complainant’s [REDACTED] results were fine. The Complainant describes entering the room, asking what was going on and Ms. [REDACTED] stating that “it’s not right”. Ms. [REDACTED] testified that the Complainant entered the room and asked what was going on but did not indicate that she herself stated “it’s not right”. The Complainant indicated that Mr. Abuel Shouhoud read some of the results off the screen before he turned the computer screen to her (p. 201, Transcript). The Complainant did not describe what Mr. Abuel Shouhoud read off the screen. Similarly, Ms. [REDACTED] describes Mr. Abuel Shouhoud reading a “quotation” (p. 212, Transcript) but stated that she “couldn’t describe to you what was said.”

Similar to the first instance, the Hearing Tribunal does not find it necessary to engage in a credibility assessment in order to determine whether a disclosure occurred. It is

possible something was said by Mr. Abuel Shouhoud to or in front of Ms. [REDACTED]. However, it is uncertain exactly what was said, if anything, and there is insufficient evidence before the Hearing Tribunal to conclude that it was more probable than not that something was said to or in front of Ms. [REDACTED] that constituted disclosure of the Complainant's personal health information.

While the Hearing Tribunal did not find it necessary to engage in a credibility assessment to determine Allegation 1, it will nonetheless comment on Mr. Abuel Shouhoud's suggestion that the Hearing Tribunal should consider the motivation of the Complainant and Ms. [REDACTED] given the bulk sales issue. Mr. Abuel Shouhoud contends that the negative financial impact of his direction to cease the bulk sales practice motivated the Complainant and Ms. [REDACTED] to recount their evidence in the manner they have.

The Hearing Tribunal does not view the bulk sales issue as having a significant impact on credibility in this case. While there is a suggestion that the Complainant and perhaps also Ms. [REDACTED] wanted to get back at Mr. Abuel Shouhoud for the ceasing of the bulk sales practice, the Hearing Tribunal notes that the bulk sales issues pre-existed Mr. Abuel Shouhoud's time as Associate-Owner. The initial direction to cease, or at least reduce, the bulk sales practice was made by Mr. [REDACTED] and not Mr. Abuel Shouhoud. Further, the evidence was that [REDACTED] Corporate required that the practice be ceased and directed Mr. Abuel Shouhoud to have his Beauty Boutique employees sign a letter confirming that they would no longer engage in bulk sales at the risk of termination of employment.

In the circumstances, it appears to the Hearing Tribunal that the ceasing of the bulk sales practice was not in the sole control of Mr. Abuel Shouhoud. It seems unlikely when both Mr. [REDACTED] and [REDACTED] Corporate were also involved in the efforts to cease the practice that either the Complainant or Ms. [REDACTED] would single out Mr. Abuel Shouhoud as the sole reason for any financial impacts arising from the end of the bulk sales activity and then tailor their evidence in this proceeding to paint him in a bad light. Further, Ms. [REDACTED] testified that the ceasing of the bulk sales practice did not affect her compensation and that she was aware when commencing her role as the Front Store Manager that she would not receive a bonus in 2019.

The Hearing Tribunal is also cognizant of the Complaints Director's suggestion that Mr. Abuel Shouhoud refilled the Complainant's medication to cover up the fact that he made an unauthorized disclosure of the Complainant's health information. However, given that the Hearing Tribunal was unable to conclude that an unauthorized disclosure occurred, it does not need to address this argument further.

In the view of the Hearing Tribunal, the Complaints Director has not discharged the burden of proof and there is insufficient evidence for the Hearing Tribunal to find Allegation 1 proven on a balance of probabilities.

### Allegation 2

The Hearing Tribunal finds that Allegation 2 is proven on a balance of probabilities. There is no dispute that Mr. Abuel Shouhoud disclosed the Complainant's personal health information to her, and it was admitted by Mr. Abuel Shouhoud himself during his testimony during the hearing (p. 349, Transcript). Mr. Abuel Shouhoud however argues that he interpreted the Complainant saying "please don't" in response to offering to check her [REDACTED] results on Netcare to mean that she didn't want to hear bad news but that from her body language and demeanour she was afraid and anxious.

The Hearing Tribunal holds that a reasonable pharmacist would and ought to interpret a patient who says, "please don't" to expressly mean "no" and to respect a competent patient's wishes in this respect in accordance with Principle 2.5 of the Code of Ethics. In any case of ambiguity over consent, the onus is on the pharmacist, as the regulated healthcare professional in a position of trust, to clarify and ascertain consent. While there is no indication of malice and it is quite plausible Mr. Abuel Shouhoud truly believed he was trying to help the Complainant, his actions demonstrably breach both the letter and spirit of his regulatory and statutory obligations.

### Allegation 3

The Hearing Tribunal finds that Allegation 3 is proven on a balance of probabilities. By Mr. Abuel Shouhoud's own account, the management meeting while Mr. Abuel Shouhoud, the Complainant and Ms. [REDACTED] were all present in Mr. Abuel Shouhoud's office, was not a private or confidential venue to disclose the Complainant's personal health information to her. In his testimony during the hearing, Mr. Abuel Shouhoud states he went out of his way to turn the computer screen towards the Complainant and then back away in a very specific manner so as to make sure Ms. [REDACTED] could not see the screen because of her presence and proximity. Furthermore, he states that he did not verbalize any personal health information as the setting was not sufficiently private or confidential to disclose personal health information. Lastly, he did not offer an opportunity to explain why he accessed the information or discuss the personal health information he had disclosed again due to the lack of a private and confidential venue.

There was no reason provided why this personal health information was specifically disclosed to the Complainant at that specific time and in that specific venue. In the context of the evidence before the Hearing Tribunal, there is no justifiable reason why this was not or could not have been done in a private and confidential setting, befitting the nature of personal health information. This is a clear contravention of Principle 4.6 of the Code of Ethics, requiring a pharmacist to protect a patient's privacy during a consultation, which would extend to disclosure of such sensitive personal information as in this case, especially when not requested.

### Unprofessional Conduct

The Hearing Tribunal finds that the proven allegations constitute unprofessional conduct under the HPA. Section 1(1)(pp) of the HPA defines unprofessional conduct as, among other things, a contravention of this Act, a code of ethics or standards of practice; contravention another enactment that applies to the profession” or “conduct that harms the integrity of the regulated profession”.

Mr. Abuel Shouhoud’s conduct in Allegations 2 and 3 is serious, breaches statutory and regulatory obligations, including Standards of Practice 1.1 and 1.2, Principles 2.5, 4.6 and 10.1 of the Code of Ethics and harms the integrity of the profession. Pharmacists are entrusted by society and patients with access to personal health information. This information is sacrosanct, and its collection, use and disclosure is protected by statutory and regulatory duties. Beyond these prescribed duties, pharmacists are bound by a covenant of trust with patients and society for the great responsibility entrusted to them with access to patients’ personal health information. Breaking this trust brings disrepute to the profession and harms the ability for the profession to self-regulate.

The Hearing Tribunal has considered Mr. Abuel Shouhoud’s argument that even if the conduct in the allegations is proven, it does not rise to the level of unprofessional conduct and should instead be viewed as an error in judgment. The Hearing Tribunal does not accept this argument.

In this case, the Complainant plainly informed Mr. Abuel Shouhoud that she did not want him to check her [REDACTED] results. Mr. Abuel Shouhoud, no matter his good intentions or desire to help the Complainant, chose to act against her express wishes. He made no attempt to clarify or ascertain if his assumption that she did not want to hear bad news was correct. This was not a mere error in judgment but a deliberate decision by Mr. Abuel Shouhoud to act in a manner contrary to the Complainant’s specific direction.

Similarly, by sharing the results of the [REDACTED] with the Complainant while Ms. [REDACTED] was in the room, Mr. Abuel Shouhoud, by his own admission, was not in a position to discuss or explain the results to the Complainant or to answer any questions she might have. Again, this was not a mere error in judgment. Mr. Abuel Shouhoud is an experienced pharmacist who should have been well aware of the need to ensure a private and confidential setting when sharing personal health information.

The Hearing Tribunal is satisfied that the conduct in Allegations 2 and 3 amounts to unprofessional conduct.

## VII. SUBMISSIONS ON SANCTIONS

The Hearing Tribunal will receive submissions on sanctions and costs. If the Complaints Director or Mr. Abuel Shouhoud believes that an oral hearing on sanctions is necessary, they may write to the Hearing Tribunal via the Hearings Director to request an oral hearing, and the Hearing Tribunal will consider such requests. If no oral hearing is requested, the Hearing Tribunal will receive written submissions on sanctions.

In the event that the parties proceed by way of written submissions, the Hearing Tribunal requests that the Complaints Director provide his submissions on sanctions to the Hearings Director within 3 weeks of the date of this decision and serve a copy of those submissions on Mr. Abuel Shouhoud at the same time. The Hearing Tribunal requests that Mr. Abuel Shouhoud then have a further period of two weeks from the date of the Complaints Director's submissions to provide his submissions on sanctions to the Hearings Director and serve a copy of those submissions on the Complaints Director at the same time. The Complaints Director may then have a further period of one week for any reply. If either party anticipates difficulties complying with these timeframes they may write to the Tribunal seeking an extension.

Signed on behalf of the Hearing Tribunal by the Chair on July 13, 2021.

*Naeem Ladhani*  
Per: [Naeem Ladhani \(Jul 13, 2021 08:57 MDT\)](#)

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Naeem Ladhani