

ALBERTA COLLEGE OF PHARMACISTS

IN THE MATTER OF
THE HEALTH PROFESSIONS ACT

AND IN THE MATTER OF A HEARING REGARDING
THE CONDUCT OF **MELISSA KENDRICK**,
A REGULATED PHARMACY TECHNICIAN

DECISION OF THE HEARING TRIBUNAL

December 18, 2015

I. INTRODUCTION

The Hearing Tribunal held a hearing into the conduct of Melissa Kendrick, a regulated pharmacy technician. In attendance on behalf of the Hearing Tribunal were Gillian Hansen, Chairperson and Pharmacist, Jennifer Bean, Pharmacy Technician, Jamie Robertson, Pharmacy Technician and Larry Loven, Public Member. Gregory Sim acted as independent legal counsel to the Hearing Tribunal.

The hearing took place on September 25, 2015 at the offices of the Alberta College of Pharmacists. The hearing was held under the terms of Part 4 of the *Health Professions Act*.

In attendance at the hearing were James Krempien, Complaints Director for the College and David Jardine, legal counsel for the Complaints Director. Ms. Kendrick was not in attendance and was not represented by legal counsel.

There were no objections to the composition of the Hearing Tribunal, the timeliness of service of the Notice of Hearing, or the jurisdiction of the Hearing Tribunal to proceed with a hearing.

II. ALLEGATIONS

The Notice of Hearing was entered as Exhibit 4 and stated the following:

IT IS ALLEGED THAT:

During the period from December 2014 to February 2015, as a registered pharmacy technician (ACP Cert. #12317) working at the Peter Lougheed Center in Calgary, Alberta:

1. Between December 10 and 22, 2014 on four occasions you stole cash from the Peter Lougheed Center pharmacy employee change room totaling \$415;
2. On February 7, 2015, you stole four Eprex (erythropoietin referred to as "EPO") syringes from the refrigerated storage cupboard with an estimated dollar value of approximately \$400 to \$1,000, depending on the strength; and
3. These thefts started shortly after you commenced employment at the Peter Lougheed Center and stopped only once they were detected and you were investigated and had your employment terminated.

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

- Sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the *Health Professions Act*;
- Sections 1 and subsection 1.1 and 1.2 of the Standards of Practice for Pharmacists and Pharmacy Technicians; and
- Principles X (1 and 2) and XI (1 and 2) of the Alberta College of Pharmacists Code of Ethics;

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*.

The Admission of Unprofessional Conduct was entered as Exhibit 7. In it, Ms. Kendrick acknowledged and admitted Allegations 1 and 2 verbatim. In regards to Allegation 3, Ms. Kendrick admitted the thefts started shortly after she commenced employment at the Peter Lougheed Center and resulted in her employment being terminated on March 11, 2015, however she did not admit that the thefts stopped only once they were detected and she was investigated. Mr. Jardine did not object to this revision to Allegation 3 as set out in the Admission of Unprofessional Conduct and he explained that it was initiated at Ms. Kendrick's request.

Ms. Kendrick further admits that her conduct breached:

- Sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the *Health Professions Act*;
- Sections 1 and subsection 1.1 and 1.2 of the Standards of Practice for Pharmacists and Pharmacy Technicians; and
- Principles X (1 and 2) and XI (1 and 2) of the Alberta College of Pharmacists Code of Ethics;

and that her conduct and breach of the foregoing provisions was unprofessional conduct pursuant to the *Health Professions Act*.

Ms. Kendrick's Admission of Unprofessional Conduct additionally stated the following:

- Ms. Kendrick acknowledges that she has been advised of her rights to obtain legal advice in reviewing and entering into this Admission of Unprofessional Conduct but has chosen to proceed without obtaining the benefit of legal advice, and that she understands that if the Hearing Tribunal accepts her Admission of

Unprofessional Conduct, the Hearing Tribunal may proceed to issue one or more of the orders set out in section 82(1) of the *Health Professions Act*.

- Ms. Kendrick acknowledges that she was provided with full disclosure by the College of all documents in the Complaint File of the College including the Investigation Report of the Complaints Director (with all attachments) and the Record of Decision of the Complaints Director and that she has reviewed all of these documents.
- Ms. Kendrick acknowledges and agrees that, on her own initiative and without any suggestion from the College, she decided to make an admission of unprofessional conduct and advised the Hearings Director of this fact on September 2, 2015.
- Ms. Kendrick acknowledges that she understands her right to attend the hearing before the Hearing Tribunal and acknowledges that she has been served with a Notice to Attend the hearing and agrees that the College has urged her to attend the hearing.
- Despite the matters set out in the point above, Ms. Kendrick is requesting that the hearing on September 25, 2015 proceed in her absence and consents to the hearing proceeding in her absence.

III. PRELIMINARY MATTERS

The Hearing Tribunal decided to continue with the hearing in the absence Ms. Kendrick in accordance with Section 79(6) of the *Health Professions Act* as there was proof of service of the Notice of Hearing and Notice to Attend. The statutory declaration regarding the service of the Notice of Hearing and Notice to Attend to Ms. Kendrick was entered as Exhibit 1. An email from Ms. Kendrick to the Hearings Director was entered as Exhibit 2, which indicated that Ms. Kendrick was aware of the hearing, had no intention of attending in person, and asked for the hearing to proceed in her absence.

Neither of the parties applied to close the hearing, or any part of it, to the public. The Complaints Director did request on behalf of the parties that the Hearing Tribunal's written decision omit the names of any co-workers or patients from the pharmacy where Ms. Kendrick practiced.

IV. **EVIDENCE**

Mr. Jardine made a brief opening statement, indicating Ms. Kendrick's hearing was unusual in two respects – this was the first hearing for the Alberta College of Pharmacists involving a pharmacy technician, and this hearing was proceeding in the absence of the unrepresented member. Mr. Jardine indicated the Complaints Director would not be making submissions on sanctions during the hearing – the Complaints Director would prefer to have that done in writing at a later date, so that Ms. Kendrick can see and hear their position and have a chance to respond.

Mr. Jardine stated he would be calling Mr. Krempien, the Complaints Director, as a witness to give evidence and provide background facts. Mr. Krempien established the following key points in his direct evidence:

- On March 25, 2015 Mr. Krempien spoke with Jodie Wade (complainant), an Alberta Health Services Human Resources Advisor indicating Ms. Kendrick was terminated from her position as a pharmacy technician at the Peter Lougheed Center due to thefts from the employee locker room and for the theft of erythropoietin syringes.
- Shortly after Ms. Kendrick started at the Peter Lougheed Center, staff noticed thefts of money from the female pharmacy employee change room. On four different occasions between December 10 and 22, 2014 Ms. Kendrick had gone into the change room and stolen money from four different individuals. Only Ms. Kendrick (verified by employee card reader information and shift schedules) had accessed the secured change room on all the days/times when the money was reported stolen.
- A Peter Lougheed Center surveillance video from February 7, 2015 was reviewed by Mr. Krempien and he testified that it showed Ms. Kendrick removing product from a refrigerated storage cupboard. Upon investigation of the contents of the cupboard and the inventory records, it was determined that Ms. Kendrick had removed erythropoietin syringes and that there was no corresponding prescription order or reason for her to have done so.
- Ms. Kendrick admitted to stealing four erythropoietin syringes and the money as alleged. She indicated no future plans for the syringes and mentioned she disposed of the unused syringes when she was terminated from the Peter Lougheed Center (on or about March 11, 2015).

- Ms. Kendrick expressed a desire to take responsibility for her conduct. She suggested her initial denials had been related to an untreated mental health issue. Ms. Kendrick was not receiving mental illness treatment but she now is and is regularly seeing her physician.
- Ms. Kendrick took herself out of practice and Alberta College of Pharmacist records indicates she has not practiced since she was terminated. Ms. Kendrick indicated she intends to return to practice once she is healthy.

Exhibit 5 was a binder of materials that Mr. Krempien referred to during his testimony. These materials included records from Mr. Krempien's investigation such as correspondence with the complainant and Ms. Kendrick and records from the Peter Lougheed Centre investigation into the employee thefts described above.

Mr. Krempien gave no further direct evidence. There were no questions for Mr. Krempien. He was then excused.

Mr. Jardine did not call any other witnesses.

V. **SUBMISSIONS**

The Hearing Tribunal heard submissions on behalf of the Complaints Director from Mr. Jardine. Mr. Jardine submitted there are two things that must be proven on the balance of probabilities. First, the Complaints Director must prove the facts alleged in the allegations in the Notice of Hearing, and second the Complaints Director must then prove that these allegations constitute unprofessional conduct. Mr. Jardine submitted that the allegations were proven and did indeed constitute unprofessional conduct based on the evidence before the Hearing Tribunal and based on Ms. Kendrick's Admission of Unprofessional Conduct in which Ms. Kendrick agreed and acknowledged that her conduct of theft of both money and pharmaceuticals constituted unprofessional conduct.

VI. **FINDINGS**

The Hearing Tribunal carefully considered the evidence presented during the hearing and the submissions from the Complaints Director. The Hearing Tribunal makes the following findings:

With respect to Allegations 1 and 2 the Hearing Tribunal accepts the admissions and finds that Ms. Kendrick did commit unprofessional conduct as defined in Section 1(1)(pp) of the *Health Professions Act*. There is sufficient evidence verified by

employee card reader information, shift schedules, and video surveillance to support these allegations of theft. Ms. Kendrick has admitted to the thefts and her admitted conduct contravened: Sections 1(1)(pp)(ii), 1(1)(pp)(iii) and 1(1)(pp)(xii) of the *Health Professions Act*; Sections 1 and subsection 1.1 and 1.2 of the Standards of Practice for Pharmacists and Pharmacy Technicians; and Principles X (1 and 2) and XI (1 and 2) of the Alberta College of Pharmacists Code of Ethics. These contraventions demonstrate conduct that undercuts the basic duties and obligations of pharmacy technicians. Mr. Krempien noted that a pharmacy technician stealing, especially from her pharmacy employer and her pharmacy coworkers, is contrary to the trust and authorities bestowed upon members of the pharmacy profession. This conduct harms the integrity of the pharmacy profession and it is clearly unprofessional.

In regards to Allegation 3, the Hearing Tribunal accepts Ms. Kendrick's admissions to the revised allegation - the thefts started shortly after Ms. Kendrick commenced employment at the Peter Lougheed Center and resulted in her employment being terminated on March 11, 2015. The Hearing Tribunal noted that the Complaints Director did not object to this revision by Ms. Kendrick.

VI. ORDERS

Submissions on Orders

After the Hearing Tribunal shared its findings with the parties, both the Complaints Director and Ms. Kendrick were invited to make written submissions on sanctions. The Complaints Director provided submissions on sanction on October 9, 2015. Ms. Kendrick provided her submissions on October 29, 2015. In her submissions, Ms. Kendrick made reference to her request of her physician to provide medical documentation concerning Ms. Kendrick. A letter from Ms. Kendrick's physician Dr. Heidi Fell was received by fax on November 2, 2015. The Complaints Director provided reply submissions on November 6, 2015. All of the submissions were provided to Mr. Sim who distributed them to the Hearing Tribunal after November 6, 2015 as the tribunal directed.

In his written submissions on behalf of the Complaints Director, Mr. Jardine began by stating the purposes of sanctions are:

- To protect the public;
- To maintain the integrity of the profession;
- To be fair to the member; and
- To serve as deterrence.

Mr. Jardine indicated in order to be fair the Hearing Tribunal should impose sanctions that are relatively proportionate to previous sanction decisions. Mr. Jardine then took the Hearing Tribunal through the factors referenced in *Jaswal v. Newfoundland*

(Medical Board) (1996), 42 Admin. L.R. (2d) 233 and described the application of the factors in this case. Key points were:

- Nature and gravity of the conduct
Ms. Kendrick's actions are serious and go to the very heart of what pharmacy technicians do. To steal money from her fellow employees and medications from the pharmacy at which she was employed show a total disregard by Ms. Kendrick of her duties to the public, her employer, her fellow employees and the profession of which she is a member.
- Age and experience of the member
Ms. Kendrick moved to the pharmacy technician register on September 30, 2014. While this is a relatively new registration and Ms. Kendrick maybe inexperienced as a professional, Mr. Jardine argued it does not require a lot of experience to understand this was unprofessional conduct. Ms. Kendrick engaged in conduct that demonstrated a fundamental failure to carry out basic ethical and professional duties of a registered pharmacy technician. Her conduct cannot be excused on the basis of lack of experience.
- Previous character of the offender
There were no previous findings of unprofessional conduct.
- Number of times offense occurred
The evidence at the hearing established that the conduct in question was ongoing conduct and not a single isolated mistake. The thefts began shortly after Ms. Kendrick commenced her employment and continued until shortly before her employment was terminated.
- Role of member in acknowledging what occurred
Ms. Kendrick has acknowledged her actions and cooperated with the Complaints Director during his investigation. She has provided an admission of unprofessional conduct to all of the allegations and thereby shortened the hearing process.
- Mitigating circumstances
Mr. Jardine's initial submissions on sanction indicated the Complaints Director was not aware of any particular mitigating circumstances. Ms. Kendrick mentioned to Mr. Krempien certain unspecified mental health concerns, but provided no medical evidence that detailed these concerns or related them in any way to the thefts that occurred.

- Need to promote deterrence
There is a need to ensure that Ms. Kendrick and other members of the profession are deterred from engaging in similar conduct of medication and monetary theft. Appropriate sanctions are necessary to make clear to other members that there will be serious consequences for conduct of this nature.
- Need to protect the public
Mr. Jardine submitted that the protection of the public requires that the orders made in this case ensure this conduct will not recur in the future.
- Public confidence in the integrity of the profession
The Hearing Tribunal must ensure public confidence in the sanctioning process. It must be clear to the public that a pharmacy technician's theft of medications and money will hold very serious consequences. The public cannot maintain confidence in the ACP's integrity as a self-governing profession if the ACP tolerates or permits this conduct. While the regulation of pharmacy technicians is relatively new, both the public and the profession (both pharmacists and registered pharmacy technicians) must have confidence that the ACP will hold these newest members to the same high ethical and professional standards that are expected of pharmacists.
- Degree to which the conduct is clearly regarded, by consensus, as falling outside the range of permitted conduct
Ms. Kendrick's conduct of theft of medications and money was well outside the permitted conduct of a registered pharmacy technician.
- The range of penalties in similar cases
Mr. Jardine presented two previous cases in which members of the ACP stole from their place of employment in somewhat similar circumstances to Ms. Kendrick that may be of assistance in determining penalty: [REDACTED] (case A) and [REDACTED] (case B)

In [Case A], the member was found to have stolen front store items from a pharmacy, in addition to other acts of unprofessional conduct. The parties made a joint submission on sanctions although they did not agree on whether the publication of the Hearing Tribunal's decision should include the member's name. The Hearing Tribunal accepted the joint submission for a 30 day suspension with a further 90 days to be stayed provided the member complied with certain conditions. The member also

received a \$2,500 fine, and was ordered to pay the costs of the investigation and hearing.

In [Case B] the member was found to have stolen store front items and medications. This member received a reprimand, a suspension pending proof of capacity, a requirement to enroll in an assistance program to address mental health concerns, supervised practice upon return to practice, a \$2,000 fine and ordered to pay the costs of the investigation and hearing.

Mr. Jardine then submitted, on behalf of the Complaints Director, the Hearing Tribunal should impose the following orders and conditions under section 82 of *the Health Professions Act*:

1. A 3-month suspension of the practice permit of Ms. Kendrick starting from the date the decision of the Hearing Tribunal is served on Ms. Kendrick;
2. An order that Ms. Kendrick pay a fine of \$2,000 to be paid within 90 days from the date the decision of the Hearing Tribunal is served on her
3. An order that Ms. Kendrick pay all of the expenses, costs and fees related to the investigation and hearing of this matter on a payment schedule satisfactory to the Hearings Director; and
4. An order that once the suspension has been completed a condition be placed on Ms. Kendrick's practice permit requiring that for a period of three years Ms. Kendrick must provide notice and a copy of this decision to any employer who offers her employment as a pharmacy technician or in a pharmacy or health care setting where the restricted activities of pharmacy (including the sale of scheduled drugs) can occur. Furthermore, Ms. Kendrick must ensure that confirmation of receipt of the decision is provided by her pharmacy or health care setting employer to the ACP within 10 days of her starting her employment.

After Ms. Kendrick received the orders proposed by the Complaints Director, she provided her submissions on sanctions to the Hearing Tribunal. Ms. Kendrick asked the Hearing Tribunal to consider her health conditions detailed in a letter from her doctor as mitigating circumstances for her unprofessional conduct. It is important to note that Ms. Kendrick's submissions on sanctions were dated October 29, 2015 before Dr. Fell's letter of November 2, 2015. Mr. Jardine raised no objection to the Hearing Tribunal considering Dr. Fell's letter.

Ms. Kendrick wished to contest, or address in some modified way, the Complaints Director's submitted sanctions. In regards to Sanction 1, Ms. Kendrick submitted that instead of a three month suspension, she should receive a formal reprimand and that she or her physician should be required to notify the Complaints Director of her well-being or any deterioration of her well-being. Ms. Kendrick submitted that she has already voluntarily removed herself from practice since being terminated from her job in March 2015. She indicated she is doing everything possible to rectify her situation and take responsibility for her actions and she has no plans to return to work until she is mentally fit to do so.

In regards to Sanctions 2 and 3, Ms. Kendrick submitted she has already suffered serious financial consequences from her actions to date, is not currently employed, and her husband has recently lost his job as well. Ms. Kendrick submitted she not suffer the additional financial strain of a fine, and asked for the expenses, costs and fees related to the investigation and hearing be lessened and spread out over a payment schedule.

In regards to Sanction 4, Ms. Kendrick submitted that providing notice of and a copy of the Hearing Tribunal's decision to future employers is not necessary as her unprofessional conduct occurred due to personal emotional and mental instability and that these medical conditions will be resolved before she returns to, or seeks employment. She requests that this condition not be placed on her practice permit because her medical conditions will be resolved prior to her seeking employment, therefore having to notify employers would be unnecessary.

Ms. Kendrick addressed the issue of publication. She asked the Hearing Tribunal to consider a recommendation to the Registrar to refrain from publication of this decision on a named basis. She submitted a need for privacy as she works to resolve her medical conditions.

The Hearing Tribunal considered the letter from Dr. Fell on behalf of Ms. Kendrick. Dr. Fell explained that Ms. Kendrick had been a patient in her family practice for 16 or 17 years but Dr. Fell also noted there had been a recent gap of over three years in which she had not seen Ms. Kendrick. Dr. Fell noted Ms. Kendrick re-attended with her after she had left her employment. Dr. Fell made reference to multiple long-standing mental health concerns. Dr. Fell mentioned that Ms. Kendrick has had difficulty engaging in treatment and that significant improvement in Ms. Kendrick's condition had not been observed. Dr. Fell noted that Ms. Kendrick has previously engaged in incidents of theft/shoplifting that "revolved around her illness behaviours" but Dr. Fell was unable to say for certain that those incidents were a direct result of her illness, though she felt the likelihood of a connection was high. Dr. Fell also noted that Ms. Kendrick told her she was under the care of a psychologist but Dr. Fell indicated she had received no correspondence from the psychologist.

Mr. Jardine then submitted, on behalf of the Complaints Director, reply submissions in response to Ms. Kendrick's written submission and the letter provided from her doctor. Regarding the letter from Dr. Fell, Mr. Jardine highlighted that Ms. Kendrick's mental health conditions had seen little improvement over many years and

that Dr. Fell had expressed concern that Ms. Kendrick had difficulties fully engaging in treatment. Her condition was not shown to be under control and she posed a further risk. At best Dr. Fell offered a qualified opinion that Ms. Kendrick's mental health conditions and her theft behaviours are likely related.

In regards to Sanction 1, the Complaints Director strongly disagrees with the position that Ms. Kendrick's conduct can be dealt with by a formal reprimand rather than a suspension. Mr. Jardine stated that although Ms. Kendrick may have voluntarily removed herself from practice, to suggest that this means no suspension is required sends a message to the profession and to the public that this conduct is being treated as a minor matter. Mr. Jardine indicated the suspension requested by the Complaints Director would have been longer without the voluntary refraining from practice.

In regards to Sanctions 2 and 3, Mr. Jardine submitted that Ms. Kendrick's financial circumstances might justify providing some extra time in which to pay the fine, but it does not justify refusing to order a fine that is clearly warranted. Failure to impose a fine would set a bad precedent and would indicate that a serious offence was regarded as minor and not warranting of a fine. Mr. Jardine submitted the Complaints Director does not object to a reasonable payment schedule being worked out between the parties for the payment of the hearing costs. However, given the nature of the conduct in question, Mr. Jardine submits that it is not reasonable to reduce the costs owing in this case.

In regards to Sanction 4, the Complaints Director submits that this provision is essential for the protection of the public and the profession, as the evidence before the Hearing Tribunal establishes that Ms. Kendrick has a history of thefts. The Complaints Director feels prospective employers must be made aware of the Hearing Tribunal's decision and the orders made so that there can be awareness in the work place of the problem so that Ms. Kendrick can be monitored and assisted in ensuring there are no similar issues in her new workplace.

Decision on Orders

The Hearing Tribunal carefully considered the submissions from both the Complaints Director and Ms. Kendrick and made the decision to impose the sanctions proposed by the Complaints Director with minor modifications only to Sanction 2. These sanctions were felt to adequately protect the public, preserve the integrity of the profession, serve as a deterrent, and were fair to Ms. Kendrick in terms of being relatively proportionate to her admitted conduct and previous sanction decisions.

The Hearing Tribunal acknowledges that Ms. Kendrick has gone to significant effort to obtain and provide the letter from Dr. Fell. Unfortunately, the letter does not establish mitigating circumstances as Ms. Kendrick had intended. At best the letter opines that a connection between Ms. Kendrick's illnesses and her conduct is likely. The letter does not provide evidence that Ms. Kendrick is currently engaged in treatment other than passing reference to Ms. Kendrick's own report that she is seeing a psychologist. The Hearing Tribunal did not receive a letter from the psychologist.

It is concerning that the Hearing Tribunal is asked to accept Dr. Fell's letter as evidence of mitigating circumstances but Dr. Fell herself indicates that Ms. Kendrick has had difficulty engaging in treatment for her condition and has only recently re-attended with Dr. Fell after a hiatus of more than three years. Dr. Fell's letter provides no evidence of any medical reports or monitoring being undertaken. In short, Dr. Fell's letter is not evidence that Ms. Kendrick's condition is controlled.

The Hearing Tribunal felt Sanction 1 was reasonable and appropriate given its' findings of unprofessional conduct. A suspension of three months makes clear to Ms. Kendrick, the members of the profession, and the public that unprofessional conduct of this nature cannot be tolerated and will attract a severe sanction.

For Sanction 2, the Hearing Tribunal notes a fine of \$2,000 is in line with fines imposed in the two similar cases referenced by the Complaints Director in this matter. The Hearing Tribunal did consider Ms. Kendrick's suggestion that she is in difficult financial circumstances and will therefore alter the language in the sanction to state 'an order that Ms. Kendrick pay a fine of \$2,000 to be paid on a payment schedule satisfactory to the Hearings Director'. This language provides discretion to allow a reasonable grace period for Ms. Kendrick's repayment schedule.

For Sanction 3, the Hearing Tribunal considered but ultimately rejected the request to lessen the portion of costs of the hearing and investigation that Ms. Kendrick be ordered to pay, as has been done in some cases. The Complaints Director argued that assessing costs against members found to have committed unprofessional conduct prevents the costs of investigations and discipline hearings being passed along to the College's membership to cover. The whole membership should not bear the costs of Ms. Kendrick's conduct. The Complaints Director indicated Ms. Kendrick would pay these costs in monthly payments over a period of time satisfactory to the Hearings Director. This language, again, provides discretion to allow a reasonable grace period for a repayment schedule.

The Hearing Tribunal felt Sanction 4 was appropriate because it will protect the public and future pharmacy employers by making the employers aware of this case and will provide some assurance to the public and the profession that conduct of this type will not recur.

In regards to a recommendation to the Registrar to refrain from publication with Ms. Kendrick's name, the Hearing Tribunal felt there was no compelling reason to make this recommendation. The decision was made not to make this recommendation.

In conclusion, the Hearing Tribunal imposes the following sanctions:

1. A 3-month suspension of Ms. Kendrick's practice permit starting from the date the decision of the Hearing Tribunal is served upon Ms. Kendrick;
2. An order that Ms. Kendrick pay a fine of \$2,000 to be paid on a payment schedule satisfactory to the Hearings Director;

3. An order that Ms. Kendrick pay all of the expenses, costs and fees related to the investigation and hearing of this matter on a payment schedule satisfactory to the Hearings Director; and
4. An order that once the 3-month suspension of her practice permit has been completed that Ms. Kendrick's practice permit be subject to a condition requiring that for a further period of 3 years Ms. Kendrick must provide notice of and a copy of this decision to any employer who offers her employment as a pharmacy technician or in a pharmacy or health care setting where the restricted activities of pharmacy (including the sale of scheduled drugs) can occur. Furthermore, Ms. Kendrick must ensure that confirmation of receipt of this decision is provided by her pharmacy or health care setting employer to the ACP within 10 days of her starting her employment.

Lastly, the Hearing Tribunal is of the view that there are reasonable and probable grounds to believe that Ms. Kendrick's conduct contravened the Criminal Code of Canada and the Hearing Tribunal therefore directs the Hearings Director to send a copy of this decision to the Minister of Justice and Solicitor General and on the request of the Minister of Justice and Solicitor General to also send a copy of the record of the hearing, pursuant to s. 80(2) of the *Health Professions Act*.

Signed on behalf of the hearing tribunal by
the Chair

Dated:
December 21, 2015

Per: [Gillian Hansen]
