

ALBERTA COLLEGE OF PHARMACISTS

IN THE MATTER OF  
THE HEALTH PROFESSIONS ACT

AND IN THE MATTER OF A HEARING REGARDING  
THE CONDUCT OF

**JODY PYNE**  
Registration number 11077

**DECISION OF THE HEARING TRIBUNAL**

November 28, 2017

## **I. INTRODUCTION**

The hearing tribunal held a hearing into the conduct of Ms. Jody Pyne. In attendance on behalf of the hearing tribunal were Ms. Beverley Rushton, Chairperson and Pharmacist, Ms. Jennifer Bean, Registered Pharmacy Technician, Ms. Sharon Van Wert, Registered Pharmacy Technician and Mr. James Lees, Public Member.

The hearing took place on September 8, 2017 at College Plaza, 2<sup>nd</sup> floor conference centre, 8215 112 Street, Edmonton, AB. The hearing was held under the terms of Part 4 of the *Health Professions Act*.

In attendance at the hearing were Mr. James Krempien, Complaints Director for the Alberta College of Pharmacists (“the College” or “ACP”), Mr. David Jardine, legal counsel for the Complaints Director and Mr. Gregory Sim, legal counsel for the Hearing Tribunal. Ms. Pyne was not in attendance and was represented by her lawyer, Ms. Karen Smith.

There were no objections to the composition of the hearing tribunal or the jurisdiction of the hearing tribunal to proceed with a hearing.

## **II. ALLEGATIONS**

The Notice of Hearing alleged with respect to Ms. Pyne that you:

1. Failed to renew your practice permit as a regulated technician for 2017 prior to the expiry of your practice permit on December 31, 2016;
2. Practiced and held yourself out as a regulated technician on January 3, 4 and 5, 2017 at Taber Co-op Pharmacy (2979) when you knew or should have known that you did not have a valid practice permit;
3. Ceased practicing as a regulated technician only when a staff pharmacist at the Pharmacy determined on or about January 9, 2017 that you were listed on the ACP website as a cancelled pharmacy technician for non-renewal of your practice permit;
4. Made dishonest statements to your former employer and to members of the staff of the ACP, both orally and in writing, that you had completed your online renewal of your practice permit on December 2, 2016 (including most, if not all, of the associated required competence and Professional Liability Insurance (“PLI” activities) when you knew or should have known that you did not:
  - a. Start or complete your online renewal during 2016;
  - b. Renew your PLI in 2016; and

- c. Start or complete any of the 13 eCortex Continuing Education Units (“CEUs”) that you alleged were completed (except for the associated learning surveys) in 2016;
5. Altered 6 of the 13 letters of completion of CEUs that you provided to the ACP;
6. Made the following dishonest statements:
  - a. To your former employer when you indicated that you had started your permit renewal process in 2016;
  - b. To Ms. Cheryl Serna (ACP Registration Coordinator) when you indicated that you had completed your permit renewal process, paid online with Visa debit, and submitted your CEUs to the ACP via eCortex;
  - c. To the ACP when you provided your declaration as part of the January 16, 2017 application for pharmacy technician reinstatement;
  - d. To the Complaints Director when you indicated you had by December 2, 2016 completed most, if not all, of the steps required to renew your practice permit including: logging into the ACP’s online renewal website and completing the required declarations and information; renewing your PLI, and completing all of your CEUs (with the exception of the associated learning surveys);
  - e. To the Complaints Director when you indicated you had uploaded your information “the old way”, when that was not possible as the system had previously been deactivated by the ACP; and
  - f. To the ACP when you provided the 6 eCortex letters of completion with the dates of the completion altered;
7. Failed to cooperate with the Complaints Director of the ACP in his investigation of your conduct by providing the Complaints Director with the altered letters of completion of CEUs and by making statements about your alleged renewal of your practice permit that are false as described in paragraph 6 above.

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

Standard 1 and subsections 1.1 and 1.2 of the Standards of Practice for Pharmacists and Pharmacy Technicians;

Section 46(1) of the *Health Professions Act*;

Subsections 21(1), 25(1) and 25(2)(a) of the *Pharmacists and Pharmacy Technicians Profession Regulation*;

Principle 1 (1) and Principle X (1,2) of the ACP Code of Ethics; and

Sections 1(1)(pp)(ii), 1(1)(pp)(iv), 1(1)(pp)(vii)(B), and 1(1)(pp)(xii) of the *Health Professions Act*;

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

Ms. Smith submitted a written Admission of Unprofessional Conduct on behalf of Ms. Pyne. This admission covered most of the allegations as discussed below. This written admission was submitted with the agreement of Mr. Jardine.

### **III. PRELIMINARY MATTERS**

Ms. Pyne did not attend the hearing. However, both Ms. Smith and Mr. Jardine sought to proceed with the hearing in her absence in accordance with sections (79)6 of the *Health Professions Act*.

#### **Decision to proceed in the absence of the investigated person**

##### **Submissions**

Ms. Smith, on behalf of her client, stated that Ms. Pyne was aware of the hearing and had planned to attend and was aware of the seriousness of the allegations. Ms. Pyne is currently undergoing treatment for a serious medical condition and is under daily medical care. She was available via phone if required and her absence was not due to a lack of respect for the tribunal or the hearing. Ms. Pyne would like this matter resolved as soon as possible, especially since the hearing was previously postponed, although Ms. Pyne also recognizes that was at her request.

Mr. Jardine was aware that Ms. Pyne would not be able to attend the hearing. While medical issues would normally be cause for adjournment he recognized Ms. Pyne's commitment to having the matter resolved. As her lawyer was present Mr. Jardine agreed that her attendance was not necessary and recommended the hearing proceed.

#### **Decision on preliminary matter**

Based on submissions from both counsel the tribunal felt Ms. Pyne had a valid reason for not attending and was well represented by counsel. The tribunal agreed to proceed with the hearing in Ms. Pyne's absence.

### **IV. EVIDENCE**

The evidence presented at the hearing consisted of:

1. Notice of Hearing and Notice to Attend dated July 10, 2017 (exhibit 1)
2. Admission of Unprofessional Conduct dated September 7, 2017 (exhibit 2)
3. Record of Decision dated March 6, 2017 (exhibit 3)
4. Investigation Report and Records (exhibit 4)
5. Medical letter from Dr. [REDACTED] dated September 8, 2017 (exhibit 5)
6. Service Canada Medical Certificate dated August 30, 2017 (exhibit 6)

The Admission of Unprofessional Conduct covered most of the allegations. There were no admissions to allegations 3, 5 or 7 and Mr. Jardine explained that these allegations were duplicates of other allegations and withdrawn.

Ms. Pyne's admission to allegation 4 substituted the word "inaccurate" for "dishonest". In addition her admission of allegation 6 substituted "inaccurate information" for "dishonest statements" Mr. Jardine explained that the Complaints Director accepted these substitutions as editorializing rather than any substantial change to the admission that was being made.

## **V. SUBMISSIONS**

Mr. Jardine took the tribunal through the Investigation Report to highlight the important details, especially regarding the altered dates of completion on the eCortex courses outlined in Tab 20.

Based on the admission of unprofessional conduct and the Investigation Report, Mr. Jardine urged the tribunal to accept Ms. Pyne's Admission of Unprofessional Conduct. Her admission prevented five witnesses from having to appear before the tribunal to testify. Mr. Jardine submitted that the admission is sufficient, efficient and in everyone's best interest.

Ms. Smith also strongly urged the tribunal to accept the admission. She stated that she felt Mr. Jardine had presented the admission fairly. Ms. Smith also stated that Ms. Pyne realizes the severity of the complaint and accepts responsibility, although Ms. Smith could not speak to her motivations.

## **VI. FINDINGS**

After weighing the evidence and the admissions from Ms. Pyne the tribunal found Allegations 1, 2, 4 and 6 to be factually proven. The Hearing Tribunal also determined that Ms. Pyne's conduct constituted unprofessional conduct as alleged in Allegations 1, 2, 4 and 6.

In determining whether unprofessional conduct occurred, the statutes, regulations, and standards that govern regulated pharmacy technicians were considered. The Hearing Tribunal's reasons for its findings are:

### **Allegations 1 and 2:**

Ms. Pyne admitted that she practiced as a regulated pharmacy technician at the Co-op Pharmacy in Taber, Alberta on January 3, 4 and 5, 2017 but that she has not held a practice

permit since January 1, 2017. Ms. Pyne had not submitted an application to renew her practice permit for 2017 prior to the expiry of her permit on December 31, 2016. Ms. Pyne eventually submitted a reinstatement application dated January 16, 2017.

Ms. Pyne therefore held herself out as a regulated pharmacy technician when she was not, and when she ought to have known she did not have a valid practice permit. It was not until a staff pharmacist identified that Ms. Pyne had not renewed her practice permit and the complainant confirmed Mr. Pyne's practice permit status on January 9, 2017 that Ms. Pyne ceased practicing and contacted the College.

Ms. Pyne's conduct was unprofessional. *The Health Professions Act* s.1(1)(pp) defines unprofessional conduct as (iv) representing or holding out that a person was a regulated member and in good standing while the person's registration or practice permit was suspended or cancelled and (xii) conduct that harms the integrity of the regulated profession. In the Hearing Tribunal's assessment Ms. Pyne held herself out as a regulated member in good standing when she was not. Practicing when she knew or ought to have known that she did not have a valid practice permit and when she had not submitted an application to renew her professional liability insurance also harms the integrity of the pharmacy technician profession. It is not practical for members of the public to verify that individuals with whom they interact in a pharmacy is a regulated health professional and so the public are entitled to expect that individuals holding themselves out as regulated professionals and members of the College are indeed regulated and that they have met all of the requirements to maintain their regulated status.

Further, *The Health Professions Act* also provides that unprofessional conduct includes a contravention of the *Health Professions Act*, which states in s.46 (1) that a person must apply for registration if the person;

- a. meets the requirements of section 28(2) for registration as a regulated member, and
- b. intends to provide professional services directly to the public.

Ms. Pyne failed to apply for registration contrary to section 46(1) and this was unprofessional conduct.

#### **Allegations 4 and 6:**

The evidence confirmed that Ms. Pyne made a number of inaccurate statements to her former employer and ACP staff in relation to the renewal of her practice permit for 2017. In the complaint letter from the licensee of the Taber Co-op Pharmacy, Ms. [REDACTED] indicated that Ms. Pyne had advised pharmacy staff that she had renewed her permit, which was ultimately demonstrated to have been inaccurate. Ms. Pyne also maintained that she had attempted to complete her renewal in a timely way when speaking with ACP staff on January 9, 2017 and with the Complaints Director in relation to his investigation on January 10, 2017.

Ms. Pyne advised ACP staff on January 9, 2017 that she believed she had completed all renewal requirements including by submitting her CEUs to the ACP via eCortex and that she had paid her renewal fees to ACP using her Visa debit card. ACP staff then advised Ms. Pyne that the ACP does not receive CEUs in that manner, that the ACP does not accept payment by Visa debit card and that the ACP had no record of any part of her renewal application. On

January 10, 2017 Ms. Pyne also advised the Complaints Director that she thought that she had uploaded everything in order to renew her practice permit and that she was just waiting for the permit to be sent to her.

Ms. Pyne submitted an application for the reinstatement of her registration and practice permit dated January 16, 2017. In her application Ms. Pyne completed a Professional Declaration in which she acknowledged that she had not knowingly engaged in the exclusive scope areas of the practice of a pharmacy technician in Alberta during her registration as a non-regulated registrant. Ms. Pyne also included a Certificate of Insurance indicating that she had not obtained renewed insurance until January 12, 2017. The Complaints Director subsequently confirmed with the insurer that Ms. Pyne had not applied to renew her professional liability insurance prior to January 12, 2017 even though the insurer has sent her a reminder to renew on December 2, 2016.

Along with her application for reinstatement, Ms. Pyne provided 13 Letters of Course Completion for eCortex Continuing Education Units (“CEUs”). Each CEU indicated that Ms. Pyne completed the course on January 9, 2017. Upon investigating, the Complaints Director determined that all of the eCortex courses had been commenced and completed in 2017. None had been commenced in 2016. Further, the Complaints Director determined that although each eCortex letter stated that the course was completed on January 9, Ms. Pyne actually completed 6 of the courses several days later. The Complaints Director determined that Ms. Pyne had submitted 6 eCortex Letters of Course Completion with the completion dates altered to indicate January 9, 2017.

On February 13, 2017, Ms. Pyne provided a written response to the complaint to the Complaints Director. In her response, Ms. Pyne stated that on December 2, 2016 she had uploaded her renewal information “the old way, while at work on December 2<sup>nd</sup>, the same day I did my renewal for my malpractice insurance”. She further wrote that after a week or so she had phoned the ACP office to check on the status of her license but the office was closed. She stated that her CEUs had all been completed by December 2016 but she omitted to complete a survey about each course. When she noticed this and completed the surveys it changed the completion dates to January 2017.

The Complaints Director subsequently reviewed the ACP’s electronic records and verified that Ms. Pyne had at no point during 2016 uploaded or entered any information for her practice permit renewal application. Further, he confirmed that the “old way” of uploading renewal information such as CEUs had not been available since January of 2015.

During their meeting on February 24, 2017, Ms. Pyne told the Complaints Director that she took steps in 2016 to renew her practice permit. These steps included initiating and completing CEUs during 2016, submitting her professional liability insurance renewal application on December 2, 2016, logging into the ACP website and completing some of the online renewal requirements in 2016. As set out above, the Complaints Director determined these to be inaccurate statements.

The Hearing Tribunal was satisfied that Ms. Pyne made inaccurate statements to her former employer and to the ACP as alleged in allegations 4 and 6 and that her conduct was unprofessional conduct.

The evidence demonstrates that Ms. Pyne did not commence or complete her practice permit renewal requirements in 2016 as she had suggested to her former employer and to the ACP. Further, Ms. Pyne made statements that were misleading, such as her suggestions to the ACP Registration Coordinator and the Complaints Director that she had submitted her registration requirements in December 2016 and that she had provided valid eCortex letters of completion when in fact they had altered completion dates.

Ms. Pyne's conduct during the investigation harms the integrity of the pharmacy technician profession, contrary to section 1(1)(pp)(xii) of the *Health Professions Act*. Regulated professionals are expected to be forthcoming with accurate information when communicating with their professional regulator, especially during an investigation process. Self-regulation depends upon the accountability of regulated professionals to their regulators. The public should also be able to expect that regulated pharmacy technicians will be forthcoming and candid with the College so that the College can carry out its mandate in the public interest. Ms. Pyne was not forthcoming with accurate information and this was unprofessional.

Ms. Pyne's conduct also contravened the Pharmacists and Pharmacy Technicians Profession Regulation and was unprofessional conduct by virtue of section 1(1)(pp)(iii) of the *Health Professions Act*. Section 25(1) of the Pharmacists and Pharmacy Technicians Profession Regulation states that "Each clinical pharmacist or pharmacy technician must undertake continuing professional development by:

- a. undertaking learning activities in accordance with the rules under section 28, and
- b. taking programs or courses required by the rules under section 28. Further, s.25(2) states that each clinical pharmacist or pharmacy technician must:
  - i. keep records, in a form satisfactory to the Competence Committee, of the activities that the clinical pharmacist or pharmacy technician undertakes for the purpose of continuing professional development, and
  - ii. provide, on the request of and in accordance with the directions of the Competence Committee, copies of the records referred to in clause (a)".

Ms. Pyne did not take continuing professional development courses within the timeframes required, nor did she keep appropriate, unaltered records of those courses and this was unprofessional.

Section 1(1)(pp)(ii) of the *Health Professions Act* also provides that a contravention of a College's Code of Ethics or Standards of Practice can also be unprofessional conduct.

Principle 10 of the Code of Ethics of the ACP states that regulated professionals will uphold this principle by:

1. Complying with both the letter and the spirit of the law that governs the practice of pharmacy and the operation of pharmacies.

2. Being honest in dealings with patients, pharmacists, other pharmacy technicians, health professionals, the college, contractors, suppliers and any others encountered in business dealings related to the practice of my profession or the operation of a pharmacy.

Further, the ACP Standards of Practice for Pharmacists and Pharmacy Technicians also states in Standard 1 that Pharmacists and Pharmacy Technicians must act professionally.

- 1.1 Pharmacists and pharmacy technicians must practice in accordance with the law that governs each of their practices, including but not limited to a) *The Health Professions Act*, its regulations, these standards and c) The Code of Ethics
- 1.2 In approaching the law that governs their practices, pharmacists and pharmacy technicians must comply with its letter and its spirit to ensure that the public and each patient receive the full protection of the law.

Ms. Pyne's provision of inaccurate information to the ACP was not in compliance with her obligations under the ACP Code of Ethics Principle 10 and Standard of Practice 1.1 and 1.2 and was unprofessional for the reasons described above.

## **VI. SUBMISSIONS ON ORDERS**

### **Submissions of the Complaints Director**

Mr. Jardine stated that while there was no formal agreement on sanctions there had been discussions between Ms. Smith and himself and they were in agreement on most areas of possible sanctions as indicated below:

1. A 3-month suspension to be held in abeyance provided that within one year of the Hearing Tribunal's written decision Ms. Pyne completes the Probe course on ethics and boundaries at her own cost. If the course is not completed within one year then Ms. Pyne must serve the 3-month suspension. If Ms. Pyne has not reapplied for her practice permit within one year of the Hearing Tribunal's written decision then she will be prohibited from applying for renewal of her practice permit until the Probe course is completed.
2. A fine of \$2,500 was agreed upon but the parties did not come to an agreement on payment terms. If Ms. Pyne renews her practice permit, Mr. Jardine was suggesting full payment within six months of Ms. Pyne's permit renewal while Ms. Smith was suggesting full payment within 12 months of the renewal. If Ms. Pyne does not renew her practice permit, Mr. Jardine was suggesting full payment within 12 months of the Hearing Tribunal's written decision while Ms. Smith was suggesting full payment within 36 months of the written decision.
3. Ms. Pyne must provide a copy of the Hearing Tribunal's decision to all pharmacy employers for three years and send confirmation that she has done so to the

Complaints Director within 10 days of commencing employment with a new pharmacy employer.

4. While both parties agree to payment of partial costs they disagree on the maximum amount Ms. Pyne would be responsible for and the payment terms. If Ms. Pyne renews her practice permit Mr. Jardine suggested a maximum of \$8,000 with payments to commence within seven months of renewal and to be completed within 36 months while Ms. Smith suggested a maximum of \$5,000 with payment completed within 36 months. If Ms. Pyne does not renew her practice permit, Mr. Jardine suggested payments to start within 12 months and completed within 36 months while Ms. Smith suggested that there be no timeline for Ms. Pyne to complete payments.

Mr. Jardine stated that although costs up to \$8,000 may seem to be a large amount of money it is still only approximately 50% of the total costs, as the estimated cost is \$15,000-\$20,000. Mr. Jardine also explained that the Tribunal should not place undue emphasis on the fact that pharmacy technicians generally earn less than pharmacists when assessing costs. He would like the Tribunal to consider 50% as a benchmark and not to be as concerned with the actual amount. Although he recognizes that Ms. Pyne's admission reduced the costs significantly, especially as no witnesses needed to be called to testify, that admission was presented the evening before the tribunal. Mr. Jardine also took the Tribunal through factors that needed to be considered as per the *Jaswal* case:

- The nature and gravity of the proven allegations. The grave issue is the false information provided to the ACP and Ms. Pyne's persistence that it was not false.
- The age and experience of the offending member. Ms. Pyne has been a Registered Pharmacy Technician since 2012 when the registry first started.
- The previous character of the member and in particular the presence or absence of any prior complaints or convictions. There are no prior complaints or convictions.
- The age and mental condition of the offended patient. This is not relevant to this hearing.
- The number of times the offence was proven to have occurred. Although the lack of renewing her permit was a one-time offence; Ms. Pyne did repeatedly report inaccurate information.
- The role of the member in acknowledging what had occurred. Ms. Pyne did submit a notice of admission to the Tribunal but only the day before the hearing. Previous to that she did not admit any wrongdoing and the hearing was proceeding as fully contested.
- Whether the offending member has already suffered other serious financial or other penalties as a result of the allegations having been made. Ms. Pyne has not worked since January 9, 2017 as her employment was terminated. Although she applied for a renewal of her practice permit that has been on hold since February 2017 and she has not therefore been able to practice as a Registered Pharmacy Technician.
- The impact of the incident on the offended patient. This is not relevant to this hearing.
- The presence or absence of any mitigating circumstances. Mr. Jardine deferred to Ms. Smith and this will be discussed in her submissions.

- The need to promote specific and general deterrence and, thereby, to protect the public and ensure the safe and proper practice of the profession. The specific deterrence is directed to the member and this includes the cost of the Probe course, a fine and costs of the investigation and hearing. General deterrence is to the members at large and is equally important. Members need to understand the importance of renewing their permit on time, not practicing if your permit is cancelled and, most fundamentally, providing accurate information to the ACP.
- The need to maintain the public's confidence in the integrity of the profession. Self-regulation is a privilege and we must show the public that complaints are properly dealt with and the matter is taken seriously. We also must ensure sanctions address the current issue and prevent further similar conduct.
- The degree to which the offensive conduct that was found to have occurred was clearly regarded, by consensus, as being the type of conduct that would fall outside the range of permitted conduct. While registration issues are generally low on the scale of unprofessional conduct, governance is a much bigger issue and that is the main issue in this hearing.
- The range of sentence in other similar cases. While we are not bound by other cases it does speak to fairness and some degree of consistency is beneficial. In this case there are no other similar cases where the element of persistence of inaccurate statements exists. Other registration cases generally involved a fine and suspension but these cases differed in that the member immediately admitted their error.

### **Submissions of Ms. Smith**

Ms. Smith confirmed that she agreed on most of the sanctions proposed by the Complaints Director.

Ms. Smith did speak to the costs that were proposed. She felt that a lower maximum threshold for costs of \$5,000 should be set as she felt \$8,000 was unfair to Ms. Pyne. She stated that Ms. Pyne has been unable to work since January, as a result of losing her employment and due to her medical condition. Ms. Smith also stated that Ms. Pyne is very distraught over this whole incident and was often inconsolable when she spoke to her. While Ms. Smith could not comment on Ms. Pyne's motivation she reasoned that fear and desperation were factors in her inaccurate statements to the ACP. Also, as a Registered Pharmacy Technician as opposed to a Pharmacist, her wages are significantly less. With all these factors Ms. Pyne will find the costs the college proposed prohibitive. Ms. Smith also asked the tribunal to consider the financial burden of the costs to Ms. Pyne if she is never able to return to employment as a Registered Pharmacy Technician and order that costs only be paid if she does return to work. If that was not possible then consider a significant time period or a payment schedule that was agreeable to both parties.

Ms. Smith stated that while Ms. Pyne has no hesitation to take the Probe course, it is a costly course that involves travelling to another province as it is not offered in Alberta. She may also need to travel to the United States to complete the course as it is only offered in Canada a few times a year. Ms. Smith estimates the cost of the course, including travelling, will be approximately \$1,700-\$1,800 US. The Probe course is a weekend course on Ethics and Boundaries that involves general and individual sessions. The individual sessions discuss your

individual case and past participants in this course have received a great deal of benefit from completing it.

Ms. Smith verified with the Complaints Director that once this Tribunal has made a decision Ms. Pyne is able to once again apply for a renewal of her practice permit. The decision to renew the permit falls solely to the Registrar; the Tribunal has no jurisdiction in that matter.

Ms. Smith went on to discuss how sanctions need to have 5 objectives:

1. Protect the public,
2. General and specific deterrence,
3. Rehabilitation,
4. Fairness,
5. Integrity of Profession.

Ms. Smith feels the proposed sanctions cover all these objectives. Ms. Smith also talked more about fairness and how cost indemnity is not automatic. While legislation states that tribunals can order 100% costs they have no obligation to do so.

Ms. Smith also disagrees with Mr. Jardine on the ongoing nature of the inaccurate statements. She feels it was a very small amount of time and not an ongoing issue.

## **VII. ORDERS**

After deliberations, the Hearing Tribunal agreed that the financial penalties suggested by Mr. Jardine were appropriate with the exception of the time frame for Ms. Pyne to complete the payments of the fine and costs. The Hearing Tribunal feels that the financial orders set out below set a reasonable balance between providing Ms. Pyne a reasonable opportunity to pay the fine and costs while at the same time making sure the fine and costs are paid in a timely manner. The Hearing Tribunal felt that the remainder of the penalties suggested by Mr. Jardine and agreed to by Ms. Smith were appropriate and the Tribunal deferred to these agreed upon aspects of the sanctions.

In assessing the sanctions the Hearing Tribunal also took into account the seriousness of Ms. Pyne's inaccurate statements to the ACP regarding the renewal of her practice permit. The Hearing Tribunal also took into account Ms. Pyne's admission of unprofessional conduct, her willingness to attend and complete the Probe course among the other sanctions and her current medical and employment status. The Hearing Tribunal considered that Ms. Pyne has been unable to renew her practice permit since approximately February 2017 while this matter was pending and this has resulted in her inability to work as a pharmacy technician and a loss of employment income. On the issue of costs the Hearing Tribunal also considered that Ms. Pyne's income as a pharmacy technician should she return to work will be less than that of a pharmacist but the Tribunal placed little weight on this factor since the investigation and hearing costs were incurred and would not be different for a pharmacist than a pharmacy technician.

**The Hearing Tribunal makes the following orders:**

1. Ms. Pyne's practice permit shall be suspended for a period of three months with the suspension to be held in abeyance provided that within one year of the Hearing Tribunal's written decision Ms. Pyne completes the Probe course on ethics and boundaries at her own cost. If Ms. Pyne does not complete the Probe course within one year of the date of this written decision then Ms. Pyne will serve the 3-month suspension or, if Ms. Pyne has not applied for the reinstatement of her practice permit within one year of this written decision then she will be prohibited from applying for a practice permit until the Probe course is completed.
2. Ms. Pyne must provide a copy of this written decision to all pharmacy employers for three years and send confirmation that she has done so the Complaints Director within 10 days of commencing work with any new pharmacy employer
3. Ms. Pyne shall pay a fine of \$2,500. This is to be payable within six months of this written decision or on payments acceptable to the Complaints Director commencing within six months of this written decision.
4. Ms. Pyne shall pay costs of the investigation and hearing up to a maximum of \$8,000. This is to be payable within one year of this written decision or on payments acceptable to the Complaints Director commencing within one year of this written decision.

Signed on behalf of the hearing tribunal by  
the Chair

Dated:  
November 28, 2017

Per: \_\_\_\_\_  
Beverley Rushton