

ALBERTA COLLEGE OF PHARMACY

IN THE MATTER OF  
THE HEALTH PROFESSIONS ACT

AND IN THE MATTER OF A HEARING  
REGARDING THE CONDUCT OF

**ASHISH KHAKHAR**  
Registration number: 5477

**DECISION OF THE HEARING TRIBUNAL**

October 10, 2025

## **I. INTRODUCTION**

1. The Hearing Tribunal held a hearing into the conduct of Ashish Khakhar (“Mr. Khakhar”). In attendance on behalf of the hearing tribunal were **Lisa Lix**, a member of the Alberta College of Pharmacy (the “College”) and Chair, **Mareiz Morcos**, a member of the College, **Andrew Otway**, a public member, and **Linda Sheen**, a public member.
2. The hearing took place on September 24, 2025, commencing at 9:30 am. The hearing was held under the terms of Part 4 of the Health Professions Act, RSA 2000, c. H-7 (the “HPA”).
3. In attendance at the hearing as counsel were Annabritt Chisholm (“Ms. Chisholm”), representing the Complaints Director of the College, and Alex Dingman (“Mr. Dingman”), representing Mr. Khakhar.
4. Also in attendance was James Krempien, Complaints Director for the College, and Mr. Khakhar. There was a Court Reporter in attendance, Jessica Young, and the Hearings Director for the College, Margaret Morley. There were also observers present.
5. There were no objections to the composition of the Hearing Tribunal or the jurisdiction of the Hearing Tribunal to proceed with the hearing. There was no application to close the hearing, nor any other preliminary applications.
6. At the commencement of the hearing, a pdf document entitled “2024-09-22 Exhibit Book – Merits.pdf” was entered as Exhibit 1, with the agreement of both parties.

## **II. ALLEGATIONS**

7. The following were the Allegations against Mr. Khakhar heard at the hearing (the “Allegations”):

IT IS ALLEGED THAT, while you were a registered Alberta clinical pharmacist, you:

1. Submitted an implementation record to the Alberta College of Pharmacy (“ACP”) on May 18, 2024 that you knew or ought to have known
  - a. included information about an interaction you had with a patient on December 19, 2022 (“APA Case C”), which interaction occurred during the 2022-2023 continuing education cycle;
  - b. contained inaccurate, false, or misleading information about an interaction you had with a patient on or about December 19, 2023;
2. Submitted patient cases to the ACP on May 31, 2024 in the course of a virtual practice review, which cases you knew or ought to have known
  - a. included APA Case C, which case you previously included in an application for additional prescribing authorization submitted to the ACP on or about February 2023 (“APA Application”);
  - b. contained inaccurate, false, or misleading information about an interaction you had with a patient on or about May 1, 2024 (“VPR Case 1”);
  - c. related to interactions you had with a patient on or about January 2 and 4, 2023 (“APA Case A”), which case you previously included in the APA Application submitted to the ACP on or about February 2023;

- d. contained inaccurate, false, or misleading information about interactions you had with a patient on or about April 21 and 24, 2024 (“VPR Case 2”);
3. Submitted patient cases to the ACP on or about June 2, 2024 in the course of a virtual practice review, which cases you knew or ought to have known
  - a. related to an interaction you had with a patient on December 10, 2023 (“Workshop DAP Note 1”), which case you previously submitted to the ACP on or about December 16, 2023;
  - b. contained inaccurate, false or misleading information about an interaction you had with a patient on or about April 26, 2024 (“VPR Case 1 Redo”);
  - c. related to an interaction you had with a patient on September 22, 2023 (“Workshop DAP Note 2”), which case you previously submitted to the ACP on or about December 16, 2023;
  - d. contained inaccurate, false, or misleading information about an interaction you had with a patient on or about March 20, 2024 (“VPR Case 2 Redo”);

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

- Standard 1 (sub-standards 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians (that were in effect at the time);
- Standards 3, 4, 5, and 10 of the Standards of Practice for Continuing Competence;
- Principles 9(2), 9(3), 9(5), 10(1), and 10(2) of the ACP 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 sub-sections 1(1)(pp)(ii) and 1(1)(pp)(xii) of the *Health Professions Act*.

8. In a document entitled “Admission of Unprofessional Conduct” contained within the Exhibit Book, Mr. Khakhar admitted to the Allegations.

### III. EVIDENCE

#### *Admission of Unprofessional Conduct*

9. There was an Admission of Unprofessional Conduct (the “Admission”) signed by Mr. Khakhar, which was included within Exhibit 1. The Admission includes the following admissions:
  1. Pursuant to section 70 of the *Health Professions Act*, Ashish Khakhar (“Mr. Khakhar”) wishes to provide a written admission of unprofessional conduct for the Hearing Tribunal’s consideration.
  2. Mr. Khakhar acknowledges and admits that while he was a registered Alberta pharmacist, he:
    - a. Submitted an implementation record to the Alberta College of Pharmacy (“ACP”) on May 18, 2024 that he knew or ought to have known:
      - i. included information about an interaction he had with a patient on December 19, 2022 (“APA Case C”), which interaction occurred during the 2022-2023 continuing education cycle;

- ii. contained inaccurate, false, or misleading information about an interaction he had with a patient on or about December 19, 2023;
  - b. Submitted patient cases to the ACP on May 31, 2024 in the course of a virtual practice review, which cases he knew or ought to have known:
    - i. included APA Case C, which case he previously included in an application for additional prescribing authorization submitted to the ACP on or about February 2023 (“APA Application”);
    - ii. contained inaccurate, false, or misleading information about an interaction he had with a patient on or about May 1, 2024 (“VPR Case 1”);
    - iii. related to interactions he had with a patient on or about January 2 and 4, 2023 (“APA Case A”), which case he previously included in the APA Application submitted to the ACP on or about February 2023;
    - iv. contained inaccurate, false, or misleading information about interactions he had with a patient on or about April 21 and 24, 2024 (“VPR Case 2”);
  - c. Submitted patient cases to the ACP on or about June 2, 2024 in the course of a virtual practice review, which cases he knew or ought to have known
    - i. related to an interaction he had with a patient on December 10, 2023 (“Workshop DAP Note 1”), which case he previously submitted to the ACP on or about December 16, 2023;
    - ii. contained inaccurate, false or misleading information about an interaction he had with a patient on or about April 26, 2024 (“VPR Case 1 Redo”);
    - iii. related to an interaction he had with a patient on September 22, 2023 (“Workshop DAP Note 2”), which case he previously submitted to the ACP on or about December 16, 2023;
    - iv. contained inaccurate, false, or misleading information about an interaction he had with a patient on or about March 20, 2024 (“VPR Case 2 Redo”);
  - d. Mr. Khakhar agrees and acknowledges that his conduct in these matters:
    - i. Breached his statutory and regulatory obligations to the Alberta College of Pharmacy as an Alberta pharmacist;
    - ii. Undermined the integrity of the profession;
    - iii. Failed to exercise the professional and ethical judgment expected and required of an Alberta pharmacist.
- 3. Mr. Khakhar further agrees and acknowledges that his conduct, as set out above, breaches of the following statutes and standards governing the profession of pharmacy:

- Standard 1 (sub-standards 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians (that were in effect at the time);
  - Standards 3, 4, 5, and 10 of the Standards of Practice for Continuing Competence;
  - Principles 9(2), 9(3), 9(5), 10(1), and 10(2) of the ACP Code of Ethics;
4. Mr. Khakhar agrees and acknowledges that his conduct constitutes unprofessional conduct pursuant to subsections 1(1)(pp)(ii) and (xii) of the *Health Professions Act*.

*Agreed Statement of Facts*

10. The Hearing Tribunal was advised that the parties had come to an agreement on facts, and as a result no witnesses were called to give testimony and evidence was entered by way of an Agreed Statement of Facts (“ASF”), which was entered as Exhibit 1.
11. The ASF included the following agreed facts, using the internal numbering from the ASF itself:
- 1. Ashish Khakhar (“Mr. Khakhar”) has been a registered member of the Alberta College of Pharmacy (“ACP”) since January 6, 1996. He has been on the clinical pharmacist register since February 23, 1998.

Summary of the Complaint and Investigation

- 2. On December 19, 2024, the Complaints Director received a complaint about Mr. Khakhar from Pamela Timanson, ACP Competence Director (“Dr. Timanson”). The complaint alleged that Mr. Khakhar provided false or misleading patient cases and information on five occasions as part of his participation in two separate competence assessments.
- 3. On December 19, 2024, the Complaints Director spoke with Mr. Khakhar on the phone and notified him of the complaint. On the same day, the Complaints Director also wrote to Mr. Khakhar, provided him with a copy of Dr. Timanson’s complaint and requested Mr. Khakhar’s written response.
- 4. The Complaints Director commenced and completed an investigation into the conduct alleged in the complaint.
- 5. At the conclusion of the investigation, the Complaints Director referred three allegations to a hearing. The Notice of Hearing is attached as **Tab A** to this Agreed Statement of Facts (“ASOF”).

Background and Facts Relevant to the Allegations

- 6. In 2024 Mr. Khakhar participated in two separate competence assessments that required him to submit case information to the ACP Competence Department:
  - a. A Virtual Practice Review (“VPR”) he was directed to complete as part of ACP’s Practice Improvement Program (“PIP”); and

- b. The Implementation Record (“IR”) he completed as part of the 2023/2024 Continuing Education (“CE”) Cycle.
7. All pharmacists were required to submit an IR on an annual basis. The ACP CCP Manual for Pharmacists (“CCP Manual”) set out the requirements for IR submissions. Section 16 of the CCP Manual stated that IRs must reflect activities that occurred during the current CE cycle. In this case, the current cycle was June 1, 2023 to May 31, 2024. A copy of the CCP Manual is attached as **Tab B** to this ASOF.
8. After Mr. Khakhar was directed to complete the VPR, he was provided with a copy of the VPR Outline for Pharmacists (“Outline”) and directed to “read it carefully and reach out” if he had any questions. The Outline includes a direction to select interventions completed in the last four to six weeks and expressly states that cases used for an application for Additional Prescribing Authorization (“APA”) should not be submitted in a VPR. A copy of the Outline is attached as **Tab C** to this ASOF.
9. On May 18, 2024 Mr. Khakhar provided APA Case C, dated December 19, 2022, as part of his 2023/24 Implementation Record (IR). Mr. Khakhar previously included APA Case C in his application for APA submitted in February 2023. For his submission on May 18, 2024 he changed the case date from December 19, 2022 to December 19, 2023. This was perceived to be an attempt to facilitate and conceal his reuse of the previously submitted APA Case C in a manner that made the case appear to be eligible for inclusion in the current CE cycle. A copy of APA Case C as submitted in February 2023 is attached as **Tab D** to this ASOF. A copy of APA Case C as submitted on May 18, 2024 is attached as **Tab E** to this ASOF.
10. On May 31, 2024 Mr. Khakhar submitted VPR Case 1, dated May 1, 2024, as part of the VPR he was required to complete for PIP. Mr. Khakhar previously provided the same case as part of his February 2023 APA application (Tab D). Before submitting APA Case C as VPR Case 1, Mr. Khakhar changed the case date from December 19, 2022 to May 1, 2024 and made other minor changes that were perceived to be an attempt to facilitate and conceal his reuse of the previously submitted APA case in a manner that made the case appear to be new/current. A copy of VPR Case 1 is attached as **Tab F** to this ASOF.
11. On May 31, 2024 Mr. Khakhar provided his VPR Case 2, dated April 21 & 24, 2024. Mr. Khakhar previously provided the same case as part of his February 2023 APA application (APA Case A, dated January 2 & 4, 2023). Before submitting APA Case A as VPR Case 2, Mr. Khakhar changed the case dates from January 2 & 4, 2023 to April 21 & 24, 2024 and made other minor changes that were perceived to be an attempt to facilitate and conceal his reuse of the previously submitted APA case in a manner that made the case appear to be new/current. A copy of APA Case A as submitted in February 2023 is attached as **Tab G** to this ASOF. A copy of VPR Case 2 is attached as **Tab H** to this ASOF.
12. On May 31, 2024 Ms. Al-Ani, the ACP Competence Administrator emailed Mr. Khakhar. In her email, Ms. Al-Ani:

- i. Identified her observations and concerns with Mr. Khakhar's use of his previous APA Cases for his VPR Cases;
  - ii. Referred him to the requirements in the Outline;
  - iii. Stated, "Select **THREE different** interventions that are representative of your clinical practice (e.g., prescription adaptations, emergency prescriptions, initial access prescribing, etc.) that you have done in the last 4-6 weeks. Please DO NOT include APA application cases";
  - iv. Reminded him that "falsifying patient records (i.e. documentation) is a serious matter"; and
  - v. Indicated he must submit VPR Cases 1 and 2 in a manner that met the requirements of the Outline.
13. On June 2, 2024, Mr. Khakhar provided VPR Case 1 Redo, dated April 26, 2024. Mr. Khakhar previously provided the same case on December 16, 2023 in the lead up to a Continuing Competence Program Workshop he participated in on January 5, 2024 ("CCP Workshop"). The CCP Workshop case was identified as Workshop DAP Note #1, dated December 10, 2023. Before submitting Workshop DAP Note #1 as VPR Case 1 Redo, Mr. Khakhar changed the case's date from December 10, 2023 to April 26, 2024 and made other minor changes that were perceived to be an attempt to facilitate and conceal his reuse of the previously submitted Workshop DAP Note #1 in a manner that made the case appear to be new/current. A copy of Workshop DAP Note #1 is attached as **Tab I** to this ASOF. A copy of VPR Case 1 Redo is attached as **Tab J** to this ASOF.
14. On June 2, 2024 Mr. Khakhar provided his VPR Case 2 Redo, dated March 20, 2024. As with VPR Case 1 Redo, Mr. Khakhar had previously provided the same case on December 16, 2023 in the lead up to the CCP Workshop (Workshop DAP Note #2, dated September 22, 2023). Before submitting Workshop DAP Note #2 as VPR Case 2 Redo, Mr. Khakhar changed the case's date from September 22, 2023 to March 20, 2024 and made other minor changes that were perceived to be an attempt to facilitate and conceal his reuse of the previously submitted case in a manner that made the case appear to be new/current. A copy of Workshop DAP Note #2 is attached as **Tab K** to this ASOF. A copy of VPR Case 2 Redo is attached as **Tab L** to this ASOF.
15. On January 17, 2025, following the Complaints Director's issuance of the complaint, Mr. Khakhar provided his written response to the complaint. In his written response, Mr Khakhar:
  - a. Indicated it was not his intention to provide false or misleading information;
  - b. Admitted that two of the three cases he uploaded as part of his VPR, he had previously used as part of his 2023 APA application;
  - c. Admitted to not reading the VPR instruction documentation carefully, prior to uploading his VPR cases on May 31, 2024;

- d. Provided his rationale for his motivation for submitting the previously used cases;
- e. Indicated the initial VPR cases he submitted were not fabricated;
- f. Indicated he understood how the Competence Committee was misled by his actions;
- g. Indicated that with respect to the VPR Redo cases he submitted in June 2024, he thought these were new cases that he had not previously submitted. He admitted that he showed a lack of judgement;
- h. Described some of his personal and family circumstances that he suggested may have affected his decision to submit the VPR Redo cases in that manner in which he did;
- i. Indicated there was no excuse for his actions and he understands how the Competence Committee was misled by his actions;
- j. Provided an explanation for his use of his Workshop DAP notes as part of his IR; and
- k. Provided his sincere apology and regret for his actions.

A copy of Mr. Khakhar's written response to the complaint is attached as **Tab M** to this ASOF.

16. On February 5, 2025, the Complaints Director met with Mr. Khakhar. During the meeting, Mr. Khakhar admitted:

- a. He did not thoroughly review the Outline he was provided by Ms. Rattray on April 17, 2024. He indicated he only "skimmed" through the Outline, focusing on "just the important points";
- b. When he received the email from Ms. Al-Ani on May 31, 2024 about the ineligibility the two VPR Cases he submitted, he was "taken aback" and "disappointed in [himself]";
- c. He knowingly reused his two previous APA cases as part of the VPR Cases he submitted on May 31, 2024 to, in part, gain additional feedback through the VPR process as to why these previously submitted APA cases had not been acceptable;
- d. He could provide no rationale for him changing the dates and making other minor changes (such as masking certain dates and changing other small details) when he submitted the previously used cases as part of his May 31, 2024 and June 2, 2024 VPR Case & Redo submissions. He indicated that his changes to the VPR Cases and Redo cases "makes no sense" and he admitted that his actions were misleading. He indicated that he "deeply regrets it";



- e. By submitting his VPR Cases and Redo cases on May 31, 2024 and June 2, 2024 with the dates changed and by making other minor changes, he admitted his actions were misleading for the Competence Committee;
- f. With respect to his submission of the VPR Redo cases on June 2, 2024, after receiving direction from Ms. Al-Ani, he indicated he felt stress to provide his VPR Redo cases quickly, in part because of his father's visit and his need to spend time with him. He indicated that on June 2, 2024, he did not realize he had previously used the cases he submitted as the VPR Redo cases. He indicated that although his error was inadvertent, he had "no excuse" for his actions. He could provide no rationale for changing dates and making other minor changes to the VPR Redo cases;
- g. He thought he could use his experience and his Workshop DAP notes from the December 2023/January 2024 Workshop as part of his 2023/24 CE cycle IR. He could provide no rationale for changing dates and making other minor changes to the Workshop DAP notes he used as part of his 2023/4 CE cycle;
- h. He indicated he had not thoroughly reviewed the CCP Manual and its eligibility requirements for submitting learning records and IRs; and
- i. All of the cases he provided as part of his participation in the VPR and 2023/24 CE cycle were not fabricated, in that the cases reflected his real interactions with actual patients.

The Complaints Director's summary of their meeting is attached as **Tab N** to this ASOF.

- 17. In summary, Mr. Khakhar agrees the changes that he made to the above-noted cases APA Case C, APA Case A, Workshop DAP Note #1 and Workshop DAP Note #2 led to the submission of false, inaccurate and misleading information to the ACP and did not reflect interactions he had with patients on the altered dates.

#### Facts Relevant to Sanctions

- 18. There have been no prior findings of unprofessional conduct against Mr. Khakhar.
- 19. The Complaints Director is not aware of any member of the public being impacted by Mr. Khakhar's conduct in this matter.
- 20. Mr. Khakhar fully cooperated with the Complaints Director's investigation and expressed sincere regret for his conduct.

## **V. SUBMISSIONS REGARDING MERIT**

### *Opening Statement on Behalf of the Complaints Director*

- 12. Counsel for the Complaints Director opened with her opening statement. She went through each of the Allegations against Mr. Khakhar in detail.
- 13. In her submission, the Hearing Tribunal has two tasks. It is the Complaints Director's role to satisfy the Hearing Tribunal to prove that the Allegations are true, on a balance of

- probabilities. If proven, the Hearing Tribunal must ascertain whether the conduct is unprofessional conduct under the HPA.
14. Finally, if unprofessional conduct is found, the Hearing Tribunal must consider the proper sanction in this matter. If that occurs, she noted that the parties would have submissions on sanction to put before the Hearing Tribunal.

*Opening Statement on Behalf of Mr. Khakhar*

15. Counsel for Mr. Khakhar went through a very brief summary of the facts, echoing the submissions of counsel for the Complaints Director.
16. He emphasized that once the complaint and investigation proceedings were commenced, Mr. Khakhar very quickly acknowledged that what he had done was wrong. Mr. Khakhar accepted responsibility for this conduct and has decided to proceed by way of an Agreed Statement of Facts, and as such, there are no material facts in dispute in this matter.
17. Counsel submitted that during the relevant times, Mr. Khakhar had personal health issues and issues with his father's health during this time, and he misunderstood some of the requirements. He stated that in this case, there were no patients or any members of the public affected. Mr. Khakhar admitted each of the Allegations referred to this hearing, and this will not be a contested matter.
18. In conclusion, counsel submitted that the Hearing Tribunal should accept the Admission and the ASF. He confirmed that Mr. Khakhar is aware that he alone is responsible for his actions, and that he has cooperated with this process and expressed sincere regret. Accordingly, the Hearing Tribunal should accept the Admission.

*Submissions on Behalf of the Complaints Director as to Merit*

19. Counsel for the Complaints Director began by going through the Admission of Unprofessional Conduct and the Agreed Statement of Facts, both of which are included in full above, and were contained within Exhibit 1.
20. Counsel also reviewed the Exhibits to the Agreed Statement of Facts (Exhibit 1, Tab 2), which included the documentation relating to the Allegations. These documents are noted as the "Tabs" referenced above in the ASF summary and are not included in this decision, but were reviewed by the Hearing Tribunal.
21. Counsel submitted that the Complaints Director is not aware of any member of the public being affected by this conduct, and that Mr. Khakhar took responsibility and expressed sincere regret for his conduct.
22. Counsel for the Complaints Director went over the Standards of Practice for Pharmacists and Pharmacy Technicians (Effective June 2023) ("Standards of Practice") (Exhibit 1, Tab 3), and the breaches admitted to by Mr. Khakhar in the Admission.
23. In addition, Mr. Khakhar admitted to breaching the Standards of Practice for Continuing Competence (Updated March 2023) ("Competency Standards") (Exhibit 1, Tab 4).
24. Finally, Mr. Khakhar admitted to breaching the Code of Ethics of the Alberta College of Pharmacy (Effective May 22, 2009) ("Code of Ethics") (Exhibit 1, Tab 5).
25. With that, counsel for the Complaints Director closed her submissions and concluded by asking the Hearing Tribunal to find that the Complaints Director had proven the

Allegations on a balance of probabilities, and that the conduct was unprofessional under the HPA.

*Submissions on Behalf of Mr. Khakhar as to Merit*

26. Counsel for Mr. Khakhar was offered an opportunity to make additional submissions, but added nothing to Ms. Chisholm's submissions.

**VI. FINDINGS REGARDING MERIT**

*Facts*

27. After hearing from both parties and being given time to review the Agreed Statement of Facts, the Admission, and the documents contained in Exhibit 1, the Hearing Tribunal accepts the facts set out in the ASF (copied in full in the "Evidence" portion of this decision), on a balance of probabilities.

*Unprofessional Conduct*

28. The Hearing Tribunal finds that the conduct admitted to amounts to unprofessional conduct as defined in s. 1(1)(pp) of the HPA, which includes the following:

(pp) "unprofessional conduct" means one or more of the following, whether or not it is disgraceful or dishonourable:

(ii) contravention of this Act, a code of ethics or standards of practice;

...

(xii) conduct that harms the integrity of the regulated profession;

29. In his signed Admission, Mr. Khakhar agreed and acknowledged that his conduct in these matters breached the following:

- Standard 1 (sub-standards 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians (that were in effect at the time);
- Standards 3, 4, 5, and 10 of the Standards of Practice for Continuing Competence;
- Principles 9(2), 9(3), 9(5), 10(1), and 10(2) of the ACP Code of Ethics;

30. The Hearing Tribunal agrees with both parties that that the conduct constitutes breaches of the following provisions of a Code of Ethics or Standards of Practice, which were expressly acknowledged as breached by Mr. Khakhar in his signed Admission of Unprofessional Conduct:

a. **Standard 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;
- b) the *Pharmacy and Drug Act*, its regulations, and the Standards for the Operation of Licensed Pharmacies;
- c) the Code of Ethics;
- d) Section 7.1 of the *Government Organization Act*;

- e) the *Food and Drugs Act* and its regulations;
- f) the *Controlled Drugs and Substances Act*, and its regulations, including the Narcotic Control Regulations;
- g) the *Health Information Act* and its regulations; and
- h) the *Animal Health Act*.

b. **Standard 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.

c. **Competency Standard 3:**

Clinical pharmacists and pharmacy technicians must participate in the continuing competence program and comply with the direction provided in the continuing competence program manual.

d. **Competency Standard 4:**

A clinical pharmacist or pharmacy technician must

- i) complete, document, and implement self-directed professional development and earn continuing education units in accordance with the direction provided in the continuing competence program manual; and
- j) complete professional development directed by the competence committee within each continuing education cycle as established in the Alberta College of Pharmacy Bylaws.

e. **Competency Standard 5:**

A clinical pharmacist or pharmacy technician must submit a professional portfolio to the College for evaluation at least annually, within the continuing education cycle and in accordance with the direction provided in the continuing competence program manual.

f. **Competency Standard 10:**

In addition to the annual requirements and any other directions given by the competence committee, a clinical pharmacist or pharmacy technician referred to, or any regulated member voluntarily enrolled in, the practice improvement program must comply with the rules of the practice improvement program provided in the continuing competence program manual.

g. **Code of Ethics Principle 9(2):**

Take responsibility for maintaining a high standard of professional competence.

h. **Code of Ethics Principle 9(3):**

Evaluate my individual practice and assume responsibility for improvement.

i. **Code of Ethics Principle 9(5):**

Respond constructively to the outcomes of competence assessments and practice visits, as well as other appraisals and reviews of my professional performance and undertake further training when necessary.

j. **Code of Ethics Principle 10(1):**

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

k. **Code of Ethics Principle 10(2):**

Am honest in dealings with

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

31. The Hearing Tribunal is of the opinion that the conduct of Mr. Khakhar breached all of the above Standards, Competency Standards, and provisions of the Code of Ethics, and that such breaches are sufficiently serious to constitute unprofessional conduct. Mr. Khakhar failed to practice in accordance with the letter and spirit of laws that govern the practice of pharmacists due to his admitted failure to comply with the direction provided in the competence program manual, instructions distributed as part of the virtual practice review, and directly assigned to him by the ACP Competence Administrator. His non-compliance stemmed not only from failure to make himself aware of the requirements from the outset, but also from failure to meet technical criteria such as ensuring that his cases were from actual practice scenarios within the designated continuing education cycles and that were unique from other previously submitted cases for other applications. Though he later took some responsibility for his conduct by way of his Admission, he violated the relevant Code of Ethics principles by failure to take initial responsibility for maintaining a high standard of professional competence which would have been demonstrated by making himself better aware of the competence standards before he made any case submissions. When he was asked to resubmit several cases, he failed to use this opportunity constructively and continued the pattern of reusing old cases and modifying dates on his documentation, continuing a pattern of dishonesty with the College's Competence Program.

32. Finally, Mr. Khakhar's conduct also undermined the integrity of the profession because:

1. This is conduct that involves intentionally misleading the regulating body, the College, and was not an inadvertent slip or mistake. On four of the files included in the Allegations, Mr. Khakhar purposefully changed the dates to make the file eligible for the review period. The Competence Administrator noticed these concerns and Mr. Khakhar stated that this was done in error, but he continued this practice of changing dates and therefore compounded this error, even in the face of an attempted correction.
2. In this case, the rules relating to the practice review were clear and straightforward. Mr. Khakhar admitted to failing to understand those rules, however, Mr. Khakhar is a long-standing member of the profession and his seniority and experience meant he should have been aware of how these rules function and caused him to take the time to understand them carefully to ensure

compliance. Even a new member of the profession would have had education and guidance on how to complete these reviews properly.

3. In his response, echoed in his counsel's submissions, Mr. Khakhar raised that there were personal concerns during this time that caused him to rush or to fail to complete these reviews properly. However, as Mr. Khakhar himself admitted that this was no excuse for his conduct in his response to the complaint (Exhibit 1, Tab M). This process was not required to be done in a very short turnaround, and there was no evidence that Mr. Khakhar contacted the College to explain what was happening in his personal life and to request an extension. The Hearing Tribunal agreed with Mr. Khakhar that this conduct demonstrated an "utter lack of judgment" on his part.
  4. The public needs to have trust in the profession in order for its integrity as a self-regulated profession to be preserved. This necessarily includes ensuring that regulated members are properly fulfilling their continuing education requirements and being forthright and honest with their regulator.
33. As such, the Hearing Tribunal finds that Mr. Khakhar is guilty of unprofessional conduct as his conduct constituted a contravention of the codes and standards applicable to his profession, and it undermined the integrity of the profession.

## **VI. SUBMISSIONS ON SANCTIONS**

### *Submissions on Behalf of the Complaints Director as to Sanction*

34. Counsel for the Complaints Director submitted that the parties reached an agreement on sanction in this matter, and entered the Joint Submission on Sanction ("JSS") as Exhibit 2 in the hearing.
35. Counsel for the Complaints Director explained that the issuance of sanctions are designed to protect the public in three fundamental ways:
1. To ensure that Mr. Khakhar will not engage in similar conduct in the future, by educating him, deterring him, or some combination of the two;
  2. To ensure that the profession more broadly will not engage in similar conduct, by educating the members of the profession, and deterring them, as well; and
  3. Lastly, to promote public confidence in the profession's ability to regulate the profession. If this is achieved, the public is more likely to bring harmful conduct to the College and problematic conduct can be corrected.
36. When considering joint submissions on sanction, the Hearing Tribunal's role is slightly different than if the Hearing Tribunal was considering sanctions after a contested hearing.
37. Counsel for the Complaints Director advised that when it comes to joint submissions on sanction, the Supreme Court of Canada's decision in *R. v. Anthony Cook*, 2016 SCC 43 is of assistance. In that case, the Supreme Court confirmed that when looking at a joint submission on sanction, the correct test "is whether the proposed sentence would bring the administration of justice into disrepute, or would otherwise be contrary to the public interest." If neither of those tests are met, the Hearing Tribunal must exercise a very high level of deference to the joint submission of the parties.
38. In this case, the JSS included the following elements:

1. Mr. Khakhar shall receive a reprimand, which the Hearing Tribunal's written decision shall serve as.
  2. Mr. Khakhar shall attend and unconditionally pass the Center for Personalized Education for Professions ("CPEP") PROBE course within one year from the date of the Hearing Tribunal's written decision. If the CPEP PROBE course is not completed within one year of the date of the Hearing Tribunal's written decision, Mr. Khakhar's registration with the Alberta College of Pharmacy shall be suspended until such time as Mr. Khakhar completes the CPEP PROBE course and receives an unconditional pass.
  3. Mr. Khakhar shall pay a fine of \$1,500. Payment will occur in accordance with a payment schedule satisfactory to the Hearings Director. The fine shall be paid within 90 days of the date Mr. Khakhar receives a copy of the Hearing Tribunal's written decision.
  4. Mr. Khakhar shall be responsible for payment of the costs of the hearing to a maximum of \$2,000. Payment will occur in accordance with a payment schedule satisfactory to the Hearings Director. The costs shall be paid within 24 months of the date Mr. Khakhar receives a copy of the Hearing Tribunal's written decision.
40. The Complaints Director's position is that these proposed sanctions meet the objectives of sanctioning, expressed above.
41. In addition, counsel went through some of the factors relevant to a proper sanction from the leading case of *Jaswal v. Medical Board of Newfoundland* (1996) 42 Admin L.R. (2d) 233 (Nfld. T.D.), as follows:
1. **The nature and gravity of the proven allegations:** This conduct is serious, as the public depends on the profession to ensure proper conduct on the part of its registrants. However, this is not the most egregious conduct that could occur in the profession.
  2. **Specific and General Deterrence:** Counsel discussed the importance of specifically deterring the conduct of Mr. Khakhar from similar conduct in the future, but also the importance of demonstrating to the larger profession that this type of conduct is unacceptable.
  3. **Character and personal attributes:** Mr. Khakhar had been a member of the College since 1986 and on the College's register since 1998. In this case, the conduct was not the result of a lack of experience. However, counsel noted that there have also been no prior findings of professional conduct against Mr. Khakhar.
  4. **Impact on patients:** In this case, there were no patients impacted by this conduct.
  5. **Mitigating factors:** Mr. Khakhar admitted his conduct, demonstrated a willingness to work with the Complaints Director which continued to the hearing, evidenced in the Admission, ASF and JSS. This is a mitigating factor.

6. **Impact of the sanction on the professional:** The Complaints Director is not aware of any collateral or related penalties.
  7. **Range of sanctions in similar cases:** The College could not provide the Hearing Tribunal with a truly comparable case to this case. However, included in Exhibit 2 (Tab 6) was the decision of K. Wayne Lynch (August 1, 2023). This decision aligns with other cases when registered members have not been forthright or honest with the College. In that case, Mr. Lynch declared he had insurance when in fact he did not. He was awarded a reprimand, a fine of \$1,000 and costs of \$2,000.00. In this case, unlike Mr. Lynch, there was a deliberate element of the conduct, meriting the PROBE course and the higher fine, and Mr. Khakhar was also warned and the conduct occurred again after the warning, making this case slightly more serious than the Lynch case.
  42. Therefore, on the submission of counsel, the JSS being proposed is well within the guardrails or spectrum of appropriate sanctions. The sanction serves the general principles of sanctions, expressed above, meets the *Jaswal* criteria for fitness, and would meet the public interest test outlined in *Anthony-Cook*. Therefore, the Hearing Tribunal should accept the JSS.
- Submissions on Behalf of Mr. Khakhar as to Sanction*
43. Counsel for Mr. Khakhar was offered an opportunity to reply. He echoed counsel for the Complaints Director's submissions.
  44. Regarding costs, counsel reviewed the most recent case in Alberta on costs in regulatory proceedings, being the decision of *Charkhandeh v College of Dental Surgeons of Alberta*, 2025 ABCA 258 ("*Charkhandeh*").
  45. He stated that this case provides some useful guidance on costs in these matters and is a recent statement from the Alberta Court of Appeal. Counsel for Mr. Khakhar made the following submissions on costs:

1. The *Charkhandeh* decision makes it clear that costs in proceedings such as these are not to add a level of punishment. In a prior decision, the Court had suggested that the more severe the conduct, the higher the costs that could be levied against the professional. However, in *Charkhandeh*, the Court clarified that seriousness of the charges is only related to sanctions, not to costs.
2. In addition, *Charkhandeh* clarifies (at para. 140) that the length and extent of the hearing and the conduct of the parties at the hearing are relevant considerations on costs. A relevant factor to costs is whether the cost of the hearing has been increased due to unreasonable or inefficient behaviour on the part of either party (para. 142).
3. Applying that reasoning and direction from the Court of Appeal, the JSS is consistent with the law – Mr. Khakhar immediately accepted responsibility, and this entire proceeding has gone by way of joint submissions and a virtual proceeding, there was no need to call witnesses, dramatically shortening the hearing. Accordingly, Mr. Khakhar's conduct, as a mitigating force, should be considered in terms of the costs he should bear.



46. Turning to the JSS as a whole, counsel discussed the *Lynch* decision included in Exhibit 2 as an authority. He submitted that this decision from 2023 was distinguishable on the facts, but served as a useful guide when it comes to costs because in that decision, there was immediate cooperation and responsibility on the part of the member, that decision also proceeded virtually by way of joint submissions, and costs award was minimal as well (\$2,000.00 in costs, payable over 24 months).
47. Finally, counsel submitted that the other elements of the JSS were reasonable and justified in this decision, and went over the other elements of the JSS with the Hearing Tribunal.
48. Counsel concluded by echoing Ms. Chisholm's discussion on the *Anthony-Cook* decision from the Supreme Court of Canada. It is his submission that Hearing Tribunals owe considerable deference to negotiated submissions on sanction. The test is only to reject when it would bring the administration of justice into disrepute or otherwise contrary to the public interest, which is not the case here.
49. Finally, counsel submitted that the proposed JSS fulfils the *Jaswal* factors, is appropriate in this matter, and should be accepted by the Hearing Tribunal.

*Reply of Counsel for the Complaints Director*

50. Counsel for the Complaints Director added that in her view, the JSS was consistent with underlying principles in *Charkhandeh*, and did not impose a crushing financial burden on Mr. Khakhar. Mr. Khakhar and the Complaints Director have jointly proposed that this is a reasonable amount to pay in this matter, and Mr. Khakhar reached that conclusion with the assistance of legal counsel.
51. Finally, she noted that costs were a part of the JSS, and that the JSS should be considered as a whole.

*Questions of the Hearing Tribunal*

52. The Hearing Tribunal asked the parties who would be responsible for paying for the PROBE course, included in the JSS, and asked the parties to confirm this on the record.
53. The parties confirmed that Mr. Khakhar would be responsible for all costs of taking the PROBE course.
54. The Hearing Tribunal was satisfied with this response, and had no further questions of the parties.

**VI. ORDERS**

55. After carefully considering the JSS, the facts of the case, and the parties' submissions, the Hearing Tribunal accepted the JSS during the hearing, and confirms its acceptance in this written decision.

56. The Hearing Tribunal acknowledges it must defer to the JSS unless it believes that the proposed sanctions would bring the administration of justice into disrepute or would otherwise be contrary to the public of interest.
57. In *Anthony-Cook*, the Supreme Court stated: “a joint submission will bring the administration of justice into disrepute or be contrary to the public interest if, despite the public interest considerations that support imposing it, it is so ‘markedly out of line with the expectations of reasonable persons aware of the circumstances of the case that they would view it as a break down in the proper functioning of the criminal justice system’” (para. 33).
58. A Hearing Tribunal such as this, should only reject a joint submission if the submission is “so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down” (para. 34), an “undeniably high threshold” (para. 34).
59. In this case, the Hearing Tribunal has reviewed the proposed sanction and finds that it is not contrary to the public interest test, as expressed in the *Anthony-Cook* decision. It accordingly affords the JSS the undeniably high threshold of deference provided for in the jurisprudence.
60. Having regard for the factors identified in the *Jaswal* decision, including the *Lynch* decision from 2023, the Hearing Tribunal accepted the parties’ submissions as to why the proposed sanctions were appropriate and served the purpose of sanctions in the professional discipline context.
61. The Hearing Tribunal specifically notes that Mr. Khakhar has been forthright and cooperative in this matter, and has shown a level of accountability and remorse that is a clear mitigating factor.
62. The Hearing Tribunal found the proposed costs order to be reasonable, recognizing it represented only a portion of the overall cost of the proceedings. In this case, the majority of the costs will be borne by the College and its members, and only a fraction will be borne by Mr. Khakhar. This recognizes the trends in Albertan regulatory jurisprudence most recently discussed in the *Charkhandeh* decision, and the time to pay will ensure that the costs award is not a crushing financial blow to Mr. Khakhar.
63. Accordingly, the Hearing Tribunal orders as follows:
  1. Mr. Khakhar shall receive a reprimand, which the Hearing Tribunal’s written decision shall serve as.
  2. Mr. Khakhar shall attend and unconditionally pass the Center for Personalized Education for Professions (“CPEP”) PROBE course within one year from the date of the Hearing Tribunal’s written decision. If the CPEP PROBE course is not completed within one year of the date of the Hearing Tribunal’s written decision, Mr. Khakhar’s registration with the Alberta College of Pharmacy shall be suspended

until such time as Mr. Khakhar completes the CPEP PROBE course and receives an unconditional pass.

3. Mr. Khakhar shall pay a fine of \$1,500. Payment will occur in accordance with a payment schedule satisfactory to the Hearings Director. The fine shall be paid within 90 days of the date Mr. Khakhar receives a copy of the Hearing Tribunal's written decision.
4. Mr. Khakhar shall be responsible for payment of the costs of the hearing to a maximum of \$2,000. Payment will occur in accordance with a payment schedule satisfactory to the Hearings Director. The costs shall be paid within 24 months of the date Mr. Khakhar receives a copy of the Hearing Tribunal's written decision.

Signed on behalf of the Hearing Tribunal by the Chair on the 10th day of October, 2025.

Per:   
Lisa Lix, Chair