

ALBERTA COLLEGE OF PHARMACY

IN THE MATTER OF
THE HEALTH PROFESSIONS ACT

AND IN THE MATTER OF A HEARING
REGARDING THE CONDUCT OF

MAYURKUMAR RAMESHBHAL PATEL
Registration number: 13156

DECISION OF THE HEARING TRIBUNAL

August 27, 2025

I. INTRODUCTION

1. The Hearing Tribunal held a hearing into the conduct of Mayurkumar Rameshbhal Patel (“Mr. Patel”). In attendance on behalf of the hearing tribunal were **Kory Sloan**, a member of the Alberta College of Pharmacy (the “College”) and Chair, **Mimi Zhang**, a member of the College, **Deborah Gust**, a public member, and **Brett Huculak**, a public member.
2. The hearing took place on July 22, 2025, commencing at 9:30 a.m. 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 Ashley Reid (“Ms. Reid”), representing the Complaints Director of the College, and Billal Saleem (“Mr. Saleem”), representing Mr. Patel.
4. Also in attendance was James Krempien, Complaints Director for the College, and Mr. Patel. There was a Court Reporter in attendance, Shelley Becker, 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.

II. ALLEGATIONS

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

IT IS ALLEGED while you were a registered Alberta pharmacist you:

1. Did not maintain personal professional liability insurance for the periods of;
 - a. July 1, 2019 to June 30, 2020;
 - b. July 1, 2020 to June 30, 2021;
 - c. July 1, 2021 to June 30, 2022;
 - d. July 1, 2022 to June 30, 2023;
 - e. July 1, 2023 to June 30, 2024;
 - f. July 1, 2024 to August 21, 2024;
2. Breached the professional declaration you made on or about:

- a. May 30, 2019;
- b. May 28, 2020;
- c. May 30, 2021;
- d. May 26, 2022;
- e. May 31, 2023;
- f. May 31, 2024;

by not maintaining valid professional liability insurance while on the clinical pharmacist register; and

3. Practiced as a pharmacist without personal professional liability insurance at the following pharmacies during approximately 1340 pharmacist shifts:
 - a. at Caroline Community Pharmacy (Pharmacy Licence #3585) from July 1, 2019 to August 21, 2024;
 - b. at Eckville Pharmacy (Pharmacy Licence #4327) from November 15, 2022 to August 21, 2024;
 - c. at Forhan's Pharmacy (Pharmacy Licence #451) from September 1, 2022 to November 14, 2022;
 - d. at Ponoka IDA Drugstore (Pharmacy Licence #3430) from July 1, 2019 to August 14, 2022.

IT IS ALLEGED THAT your conduct in these matters:

- a. Breached your statutory and regulatory obligations to the Alberta College of Pharmacy as an Alberta pharmacist and licensee;
- b. Undermined the integrity of the profession; and
- c. Failed to exercise the professional and ethical judgment expected and required of an Alberta pharmacist.

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

- Standards 1 (sub-standards 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians;
- Principles 1(1), 10(1), and 10(2) of the Alberta College of

Pharmacy's Code of Ethics;

- Section 13(1) of the Pharmacists and Pharmacy Technicians Profession Regulation (between 2019 and 2023); and
- Section 49.1(1) of the Bylaws of the Alberta College of Pharmacy;

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), 1(1)(pp)(xii), and 40(1)(c) of the *Health Professions Act*.

7. In a document entitled "Admission of Unprofessional Conduct" contained within the Exhibit Book, Mr. Patel admitted to the Allegations.

III. EVIDENCE

Admission of Unprofessional Conduct

8. Following a brief opening statement, Ms. Reid went through the Admission of Unprofessional Conduct (the "Admission"), which was included within Exhibit 1.
9. The Admission is signed by Mr. Patel before his counsel, and includes the following admissions:
 1. Pursuant to section 70 of the *Health Professions Act*, Mayurkumar Patel wishes to provide a written admission of unprofessional conduct for the Hearing Tribunal's consideration.
 2. Mr. Patel acknowledges and admits that while he was a registered Alberta pharmacist:
 - a. He did not maintain personal professional liability insurance for the periods of:
 - i. July 1, 2019 to June 30, 2020;
 - ii. July 1, 2020 to June 30, 2021;
 - iii. July 1, 2021 to June 30, 2022;
 - iv. July 1, 2022 to June 30, 2023;
 - v. July 1, 2023 to June 30, 2024;
 - vi. July 1, 2024 to August 21, 2024;
 - b. He breached the professional declarations he made on or about:
 - i. May 30, 2019;

- ii. May 28, 2020;
- iii. May 30, 2021;
- iv. May 26, 2022;
- v. May 31, 2023;
- vi. May 31, 2024;

by not maintaining valid professional liability insurance while on the clinical pharmacist register; and

- c. He practiced as a pharmacist without personal professional liability insurance at the following pharmacies during approximately 1340 pharmacist shifts:
 - i. at Caroline Community Pharmacy (Pharmacy Licence #3585) from July 1, 2019 to August 21, 2024;
 - ii. at Eckville Pharmacy (Pharmacy Licence #4327) from November 15, 2022 to August 21, 2024;
 - iii. at Forhan's Pharmacy (Pharmacy Licence #451) from September 1, 2022 to November 14, 2022;
 - iv. at Ponoka IDA Drugstore (Pharmacy Licence #3430) from July 1, 2019 to August 14, 2022.

3. Mr. Patel agrees and acknowledges that his conduct in these matters:

- a. Breached his statutory and regulatory obligations to the Alberta College of Pharmacy as an Alberta pharmacist;
- b. Undermined the integrity of the profession;
- c. Failed to exercise the professional and ethical judgment expected and required of an Alberta pharmacist.

4. Mr. Patel further agrees and acknowledges that his conduct, as set out above, breaches of the following statutes and standards governing the profession of pharmacy:

- Standards 1 (sub-sections 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians,
- Principles 1(1), 10(1), and 10(2) of the Alberta College of Pharmacy's Code of Ethics,
- Section 13(1) of the Pharmacists and Pharmacy Technicians Profession Regulation (between 2019 and 2023), and
- Section 40(1)(c) of the *Health Professions Act*; together with 49.1(1) of the Bylaws of the Alberta College of Pharmacy.

5. Mr. Patel agrees and acknowledges that his conduct constitutes unprofessional conduct pursuant to subsections 1(1)(pp)(ii) and (xii) of the *Health Professions Act*.
10. Relating to paragraph four of the Admission and timing, Ms. Reid confirmed the following:
 - a. The Standards of Practice and Code of Ethics sections applied at all times to Mr. Patel's conduct;
 - b. Section 13 of the Pharmacists and Pharmacy Technologists Profession Regulation applied to his conduct between 2019 and 2023; and
 - c. The obligation to have professional liability insurance was originally in the Regulation under the HPA, and then from 2024 onwards, the obligation was moved to the College's Bylaws.

Agreed Statement of Facts

11. Ms. Reid 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, which was entered as Exhibit 1.
12. The Agreed Statement of Facts included the following agreed facts:
 1. At all relevant times, Mayurkumar Patel was a registered member of the Alberta College of Pharmacy ("ACP") on the clinical pharmacist register.
 2. On November 26, 2024, the Complaints Director received a complaint about Mr. Patel from Joni Wells, ACP Registration Lead. The complaint related to Mr. Patel's professional declarations provided between 2019 and 2024 as part of his annual applications to renew his practice permit, and his obligations to hold professional liability insurance ("PLI") while on the clinical pharmacist register. The complaint and its enclosures are attached as **Exhibit A**.
 3. The Complaints Director commenced and completed an investigation into the conduct alleged in the complaint. The Complaints Director then referred the complaint to a hearing.

Facts Relevant to the Complaint

4. The Complaints Director spoke with Mr. Patel on November 26, 2024 and notified him of the complaint. The Complaints Director then issued a letter to Mr. Patel requesting that Mr. Patel review the concerns raised in the complaint and provide a written response. Specifically, the Complaints Director asked Mr. Patel to respond to the following allegations:
 - a. You breached the professional declarations that you declared as part of the renewals of your annual ACP practice permits from 2019 to

2024, in that you did not maintain valid PLI while on the clinical register;

- b. You were on the clinical register from on or about July 1, 2019, until on or about August 21, 2024 without valid PLI; and
- c. You may have practiced as a pharmacist without valid PLI from on or about July 1, 2019, until on or about August 21, 2024.

The Complaints Director's letter and enclosures sent to Mr. Patel are attached as **Exhibit B**.

5. On November 27, 2024, the Complaints Director received an email from Debbie Lee, ACP Registration Director. Ms. Lee indicated:

- a. Between 2019 and 2024, Mr. Patel submitted applications to renew his annual practice permit, which included professional declarations with respect to having and maintaining professional liability insurance, on the following dates:
 - i. May 30, 2019
 - ii. May 28, 2020
 - iii. May 30, 2021
 - iv. May 26, 2022
 - v. May 31, 2023
 - vi. May 31, 2024
- b. The professional declaration Mr. Patel was required to provide as part of his practice permit renewal from 2019 to 2023 would have included, in part:

As a regulated member on the clinical register of the Alberta College of Pharmacy, I am in possession of valid professional liability insurance for the practice of pharmacy that provides me no less than two million dollars worth of personal coverage that is either claims-made or occurrence-based in nature.

I understand that while on the clinical register, I must maintain valid professional liability Insurance coverage of no less than two million dollars and that if I am unable to provide proof of insurance, my practice permit may be cancelled.

I understand that while on the clinical register, I must maintain valid professional liability insurance coverage regardless of whether I am working or residing In Alberta.

I understand that my professional liability insurance must be personal and must provide coverage for me wherever I practice pharmacy in Alberta, regardless of whom my employer is.

- c. The professional declaration Mr. Patel was required to provide as part of his practice permit renewal in 2024 would have included, In part:

As a regulated member on the clinical pharmacist or pharmacy technician register of the Alberta College of Pharmacy, I understand that I must be in possession of valid professional liability insurance, that is issued in my name and provides me with the required amount of personal coverage for the practice of pharmacy that is either claims-made or occurrence-based in nature. I will maintain this insurance coverage while on the clinical pharmacist or pharmacy technician register regardless of the province in which I reside and regardless of whether I am employee or whether my place of employment changes.

I understand that the status of my insurance coverage is subject to audit and that false or misleading statements concerning my coverage may be referred to the Complaints Director for further investigation which may result in a referral to a hearing before a Hearing Tribunal

Ms. Lee's email to the Complaints Director with the above information is attached as **Exhibit C**.

6. On December 24, 2024, the Complaints Director received Mr. Patel's written response to the Complaint. Mr. Patel indicated in his written response:

- a. between 2018 and 2024 he practiced at
 - i. Caroline Community Pharmacy, from September 2018 to present,
 - ii. Ponoka Pharmacy, from November 2017 to August 2022,
 - iii. Eckville Pharmacy, from September 2022 to present,

working an average of 25 to 32 hours per week at each store;

- b. through his selection and participation in ACP's professional declaration audit he came to understand that the PLI he possessed did not satisfy the ACP requirements for personal professional liability insurance; and
- c. he took responsibility for his oversight in not maintaining PLI and immediately obtained personal professional liability insurance.

Mr. Patel's written response to the complaint and enclosures are attached as **Exhibit D**. The enclosures include corporate insurance policies Mr. Patel had in place between 2019 and 2024.

7. The Complaints Director asked Ms. Wells to review the insurance policies that Mr. Patel included in his response. Ms. Wells confirmed her assessment that none of Mr. Patel's insurance policies provided the required professional liability insurance. See Ms. Wells' email at **Exhibit E**.
8. The Complaints Director met with Mr. Patel on January 9, 2025. Mr. Patel:
 - a. admitted he provided false professional declarations on his annual practice permit renewals from 2019 to 2024 on May 30, 2019, May 28, 2020, May 30, 2021, May 26, 2022, May 31, 2023, and May 31, 2024, in that he did not have or maintain required PLI during the period from July 1, 2019 to August 21, 2024 (the "period") while on the clinical pharmacist register;
 - b. admitted he practiced as a pharmacist at the pharmacies listed in paragraph 6a on approximately 1340 x eight-hour shifts between 2019 and 2024 without PLI. Mr. Patel indicated that during the period he practiced on average five x eight-hour shifts every week during an approximate 268 weeks of the period;
 - c. indicated his lack of PLI was an unintentional error on his part. He indicated that as far back as 2017 he had corporate liability insurance through PrimeOne. At that time, his insurer (PrimeOne) automatically renewed his insurance annually and he did not receive or review in detail the policy in relation to ACP's PLI requirements. During the period, he was not selected by ACP for a professional declaration audit and Mr. Patel had no specific reason to review his PLI policies, as he thought or assumed these policies complied with the ACP's requirements. It was only after he was selected for the ACP professional declaration audit in August 2024 that he examined his liability insurance policy and recognized it did not meet the requirements.
 - d. indicated he is glad to have been audited by ACP, so that his omission was recognized and corrected; and
 - e. indicated he was not aware of any significant professional errors or omissions on his part during from the period that have given rise, or that may give rise to, a civil claim against him.

The Complaints Director's summary of the meeting with Mr. Patel is attached as **Exhibit F**.

9. During the Complaints Director's investigation, he reviewed a sample of recent ACP notices and reminders for pharmacists to obtain professional

liability insurance. Specifically, the complaints Director noted that the following communications were sent to ACP registrants:

- a. October 17, 2018: The Link e-newsletter included an article titled "Failing to fulfill professional declarations and not carrying current liability insurance can be a costly mistake." The article notified pharmacists about a recent hearing tribunal decision about a pharmacist who failed to fulfill his professional declaration and failed to meet his regulatory requirement to carry PLI while on the clinical register.
- b. September 18, 2019: The Link e-newsletter included an article titled "Professional declarations must be fulfilled." The article noted "Lessons learned: failing to fulfill your professional declarations and not carrying current professional liability insurance can become a costly mistake." The article also notified pharmacists about three recent hearing tribunal decisions regarding pharmacists who failed to fulfill their professional declarations and failed to meet regulatory requirements to carry PLI while on the clinical register.
- c. October 30, 2019: The Link e-newsletter included an article titled "Reminder: professional declarations must be fulfilled." The article noted "Lessons learned: failing to fulfill your professional declarations and not carrying current professional liability insurance can become a costly mistake." The article also notified pharmacists about two new hearing tribunal decisions regarding pharmacists who failed to fulfill their professional declarations and failed to meet regulatory requirements to carry PLI.
- d. November 12, 2020: The Link e-newsletter included an article titled "Personal liability insurance is a must." The article noted "Lessons learned: failing to fulfill your professional declarations and not carrying current professional liability insurance can become a costly mistake." The article also notified pharmacists about a recent hearing tribunal decision involving two pharmacists who failed to fulfill their professional declarations and failed to meet regulatory requirements to carry PLI while on the clinical register.
- e. May 26, 2021: The Link e-newsletter included an article titled "Professional liability insurance is a must for all regulated members." The article noted "Pharmacists must renew and possess current personal professional liability insurance." The article reminded pharmacists that as per their annual declaration made as part of their annual practice permit renewal, pharmacists must renew and maintain PLI.
- f. July 7, 2021: The Link e-newsletter included an article titled "Keep track of your professional liability insurance policy effective dates." The article noted "Lessons learned: failing to fulfill your professional declarations and not carrying current professional liability insurance

can become a costly mistake." The article also notified pharmacists about a recent hearing tribunal decision involving a pharmacist who failed to fulfill a professional declaration and failed to meet his regulatory requirement to carry PLI while on the clinical pharmacist register.

- g. January 12, 2022: The Link e-newsletter included an article titled "Professional liability insurance (PLI) is a must." The article noted "Lessons learned: practising without PLI can lead to serious consequences for pharmacists and pharmacy technicians." The article also notified registrants about a recent hearing tribunal decision involving a pharmacy technician who failed to meet her regulatory requirement to carry PLI while on the pharmacy technician register.
- h. June 15, 2022: The Link e-newsletter included an article titled "Professional declarations: confirm before you click." The article noted "Lessons Learned: registrants must ensure declarations are accurate and will be maintained." The article notified registrants about a recent hearing tribunal decision involving a pharmacist who failed to fulfill his professional responsibilities and failed to meet his regulatory requirement to carry PLI while on the clinical pharmacist register.
- i. February 8, 2023: The Link e-newsletter included an article titled "Why do I need professional liability insurance?" The article noted "Pharmacists and pharmacy technicians are required to hold professional liability insurance to protect the public and themselves." The article reminded pharmacists that they must hold and maintain personal PLI.
- j. September 6, 2023: The Link e-newsletter included an article titled "Professional declarations: it's up to you." The article noted "Lessons learned: regulated members must carry professional liability insurance to practise." The article notified registrants about a recent hearing tribunal decision involving two pharmacists who failed to fulfill their professional responsibilities and failed to meet their regulatory requirements to carry PLI while on the clinical pharmacist register.
- k. January 24, 2024: The Link e-newsletter included an article titled "Professional declarations: you're responsible." The article noted "Lessons learned: regulated members must carry professional liability insurance and meet all requirements for authorizations." The article notified registrants about a recent hearing tribunal decision involving a pharmacist who failed to fulfill his professional responsibilities and failed to meet his regulatory requirements to carry PLI.
- l. April 2, 2024: The Link e-newsletter included an article titled "Pharmacists: make sure your professional liability insurance is up to date." The article noted "Practice permit renewal opens on April 2, 2024. Pharmacists are reminded to carefully review and understand all aspects of all declarations, including PLI, when renewing your practice

permit." The article reminded registrants of their responsibilities to review Information about PLI, to not assume that others would renew PLI for the registrant, to take personal responsibility to have a system to ensure PLI Is in place and active, and to review professional obligations described in declarations.

The ACP communications that the Complaints Director reviewed are attached as **Exhibit G**.

Facts Relevant to Sanctions

10. Mr. Patel has been registered with the Alberta College of Pharmacy since July 6, 2015. He was first registered on the clinical pharmacist register on April 19, 2016.
11. There have been no prior findings of unprofessional conduct against Mr. Patel.
12. The Complaints Director is not aware of any member of the public being impacted by Mr. Patel's conduct in this matter.
13. Mr. Patel admitted that his conduct was an unintentional error.

V. SUBMISSIONS REGARDING MERIT

Submissions on Behalf of the Complaints Director as to Merit

13. During the hearing, Ms. Reid made submissions in relation to the Agreed Statement of Facts, which is located within Exhibit 1, along with several Exhibits.
14. Ms. Reid advised that the task of the Hearing Tribunal is to consider what facts are proven, and then to consider whether unprofessional conduct has been proven. Before the Hearing Tribunal are the following critical elements to that assessment:
 - a. The Admission of Unprofessional Conduct, signed by Mr. Patel;
 - b. The Agreed Statement of Facts, also signed by Mr. Patel and the Complaints Director, including documents from the investigation as Exhibits; and
 - c. There is no disagreement between Mr. Patel and the College as to what occurred.
15. The reason for the hearing today, in Ms. Reid's submissions, is that the College takes the requirements for liability insurance as a serious obligation of its membership, and failing to uphold those requirements will cause the College to take disciplinary action, to ensure the protection of the public.

16. Ms. Reid advised that in this instance, Mr. Patel acknowledged his conduct forthwith and has been cooperative, along with his counsel, throughout the investigation and proceedings relating to this complaint.
17. Turning to the concept of unprofessional conduct, Ms. Reid made the following submissions:
 - a. She noted the clear statutory requirements that state that a regulated pharmacist must have personal liability insurance in place, including with the legislation and the College's Bylaws (specifically, section 49.1 of the Bylaws);
 - b. There are also the Standards of Practice for Pharmacists and Pharmacy Technicians (and specifically, sub-standards 1.1 and 1.2) that set out the obligation of pharmacists to comply with the legislation, including the regulations, so patients and the public receive full protection of the law; and
 - c. In the Alberta College of Pharmacy's Code of Ethics, there is a requirement that pharmacists comply with the letter and spirit of the law, and act honestly in dealings with the College (specifically, Code Principles 1(1), 10(1) and 10(2)).
18. Ms. Reid emphasized the importance of these requirements – if something goes wrong, and there is liability and damages, the member of the public can be made whole through sufficient insurance policies.
19. This conduct spanned over the duration of five years, during which time there was no insurance in place. During those five years, there were no actual issues that occurred, or any actual harm, but there was potential for harm which is the concern of the Complaints Director.
20. In this case, Mr. Patel has admitted his error, and he has acknowledged that his conduct is serious enough to be unprofessional conduct. However, he did not identify the issue himself – it was found during the College audit, and without the audit, it may never have been identified or rectified.
21. Previous Hearing Tribunals have found that the failure to hold personal liability insurance has been unprofessional conduct, and Ms. Reid stated she would refer to those decisions in the sanctions portion of the proceedings.
22. Overall, Mr. Patel's conduct was the result of a general lack of attention to his specific professional obligations. Notably, for five years he reported to the College on a Statutory Declaration that he had sufficient insurance in place, and every year the College relies on the accuracy of approximately 7,000 of these declarations, and the College has a fundamental expectation that when a member completes a Statutory Declaration, stating something is true, the College should be able to rely upon it. In this case, that expectation was not met, resulting in these proceedings.

23. Therefore, the Complaints Director asked the Hearing Tribunal to find that the Allegations have been proven, and that the conduct was in fact unprofessional conduct pursuant to the HPA.

Submissions of Mr. Saleem

24. Mr. Saleem thanked Ms. Reid for the comprehensive summary that she provided. He did want to add one additional piece of context.
25. When Mr. Patel swore the Statutory Declarations about the professional liability insurance, he had actually believed that he had personal professional liability insurance. That belief was based on of the wording of the “Certificate of Liability Insurance” (Exhibit 1, page 25) which included coverage of “Personal and Advertising Injury Liability” in the amount of \$5,000,000.00.
26. Mr. Patel had relied on this document, which did identify personal liability insurance, as well as the representations of an insurance agent, when he came to that incorrect conclusion. Mr. Saleem stated this was not an excuse, but he wanted to provide the Hearing Tribunal with that explanation as to where Mr. Patel’s misunderstanding came from.

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 Agreed Statement of Facts (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:
 - (i) displaying a lack of knowledge of or lack of skill or judgment in the provision of professional services;
 - (ii) contravention of this Act, a code of ethics or standards of practice;
 - (iii) contravention of another enactment that applies to the profession;
 - ...
 - (xii) conduct that harms the integrity of the regulated profession;

29. The Hearing Tribunal finds that the facts found, as expressed above, do constitute unprofessional conduct.

30. In his signed Admission, Mr. Patel agreed and acknowledged that his conduct in these matters breached the following statutes and standards governing the profession of pharmacy:

- Standards 1 (sub-sections 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians,
- Principles 1(1), 10(1), and 10(2) of the Alberta College of Pharmacy's Code of Ethics,
- Section 13(1) of the Pharmacists and Pharmacy Technicians Profession Regulation (between 2019 and 2023), and
- Section 40(1)(c) of the *Health Professions Act*; together with 49.1(1) of the Bylaws of the Alberta College of Pharmacy.

31. Mr. Patel demonstrated a lack of knowledge, skill and judgment in the provision of professional services by failing to properly understand his insurance policy coverage and ensure he held the required personal professional liability insurance for the periods outlined in the Notice of Hearing. Mr. Patel was aware that he had to have the proper professional liability insurance, he just did not have the skill or judgment to confirm that the liability insurance he had obtained covered the requisite personal professional liability.

32. In addition, the Hearing Tribunal agrees with both parties that the conduct constitutes breaches of the following statutes and standards governing the profession of pharmacy, which were expressly acknowledged as breached by Mr. Patel in his signed Admission of Unprofessional Conduct:

- Standards 1 (sub-sections 1.1 and 1.2) of the Standards of Practice for Pharmacists and Pharmacy Technicians,
- Principles 1(1), 10(1), and 10(2) of the Alberta College of Pharmacy's Code of Ethics,
- Section 13(1) of the Pharmacists and Pharmacy Technicians Profession Regulation (between 2019 and 2023), and
- Section 40(1)(c) of the Health Professions Act; together with 49.1(1) of the Bylaws of the Alberta College of Pharmacy.

The Hearing Tribunal considered each of the above sections of the Standards, Code of Ethics, the Regulation and Act and found that Mr. Patel breached each of the above provisions with this conduct, and that such breaches are sufficiently serious to constitute unprofessional conduct.

33. Finally, Mr. Patel's conduct also undermined the integrity of the profession because the public expects that the actions of a pharmacist are covered by personal liability insurance in the event a patient suffers a loss due to an error in the pharmacist's work.

34. As such, the Hearing Tribunal finds that Mr. Patel is guilty of unprofessional conduct as his conduct demonstrated a lack of knowledge, skill and judgment in the provision of professional services, it was a contravention of the codes and standards applicable to the profession, and it undermined the integrity of the profession.

VI. SUBMISSIONS ON SANCTIONS

Submissions on Behalf of the Complaints Director as to Sanction

35. As an initial matter, the parties submitted a document entitled “Joint Submission on Sanction” as Exhibit 2. It was entered as Exhibit 2.
36. Ms. Reid then began her submission by advising that the Hearing Tribunal’s task is to determine what sanctions and costs should be imposed on Mr. Patel as a result of the Hearing Tribunal’s factual and unprofessional conduct findings.
37. She explained that the issuance of sanctions is designed to protect the public in three fundamental ways:
- a. To ensure that Mr. Patel will not engage in similar conduct in the future, by educating him, deterring him, or some combination of the two;
 - b. 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
 - c. Lastly, sanctions promote public confidence in the profession’s ability to regulate the profession. Therefore, the public is more likely to bring harmful conduct to the College and problematic conduct can be corrected.
38. 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.
39. Ms. Reid 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 penalty or 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.
40. Ms. Reid then went through the Joint Submission on Sanction, which included the following proposals (Exhibit 2, Tab 1):
1. Mr. Patel shall receive a caution, and the Hearing Tribunal’s written decision shall serve as the caution.
 2. Mr. Patel shall pay a fine of \$1,000.00.

3. Mr. Patel shall be responsible for the payment of the costs of the investigation and hearing to a maximum of \$2,000.00.
 4. Mr. Patel shall pay the fine in paragraph 2 within 90 days and the costs in paragraph 3 within 24 months of the date that he receives a copy of the Hearing Tribunal's written decision. Payment will occur in accordance with a payment schedule satisfactory to the Hearings Director.
41. Ms. Reid confirmed that the Hearing Tribunal's authority to make these orders comes from section 82 of the HPA. She went through the subsections of section 82 to demonstrate where the Hearing Tribunal's authority to issue each proposed sanction is authorized.
 42. Notably, costs are not intended to punish the member, Mr. Patel. They are to compensate the College for a portion of the hearing process. Ms. Reid estimated that the total costs will be roughly \$10,000.00, so the \$2,000.00 costs request by the Complaint's Director is a lessened cost order from the full amount.
 43. In addition, Ms. Reid provided the *Jaswal* factors, which comes from the case of *Jaswal v. Medical Board of Newfoundland* (1996) 42 Admin L.R. (2d) 233 (Nfld. T.D.) which can assist a Hearing Tribunal in assessing a sanction in each particular case.
 44. In this case, she made the following submissions on each of the *Jaswal* factors:
 1. **The nature and gravity of the proven allegations:** Mr. Patel's failure to maintain professional liability insurance for more than a five-year period is conduct that placed the public at risk, but it does fall on the lower end of the spectrum of unprofessional conduct. This factor weighs in favour of a lighter sanction in Mr. Patel's circumstances.
 2. **Age and experience of the offending member:** Mr. Patel has been registered since 2016, and his conduct occurred between 2019 and 2024. At that time, he had been registered for a few years, and therefore his unprofessional conduct was not as a result of inexperience.
 3. **Previous character of the member (presence or absence of any prior complaints or convictions):** There are no prior findings of unprofessional conduct of Mr. Patel, and this is a mitigating factor.
 4. **The number of times the offence was proven to have occurred:** This conduct did not happen once – it occurred over five practice renewal cycles and involved five declarations.
 5. **Role of the factor in acknowledging what had occurred:** Mr. Patel has taken responsibility of his conduct, and did so very early in this process, and this factor is mitigating.
 6. **The need to promote specific and general deterrence and, thereby, to protect the public and ensure the safe and proper practice of medicine:**

The joint submission includes a fine, and a caution, which will deter other members from similar misconduct. These declarations require members to be honest and truthful. The College has issued bulletins and publications to its membership, and the College registrants each commit to having appropriate insurance when they confirm their declarations, but ultimately, it is up to the regulated member to confirm they are in compliance with their regulatory requirements. These sanctions will remind regulated members that their obligation to carry personal professional liability insurance is important and that the College takes these matters seriously.

7. **Range of sentences in other similar cases:** While the Hearing Tribunal is not bound by other decisions, there is a principle in administrative law that similar conduct should attract similar sanctions. Accordingly, the parties provided the two decisions for the review of the Hearing Tribunal:

- a. Decision of the Hearing Tribunal regarding Bernard Kallal dated August 1, 2023; and
- b. Decision of the Hearing Tribunal regarding K. Wayne Lynch dated August 1, 2023.

In Ms. Reid's submissions, both decisions are consistent with the sanction being proposed in this case. In both cases, the fine imposed was \$1,000.00 and the costs were capped at \$2,000.00, which is analogous to what was being sought against Mr. Patel.

- 45. On the matter of costs, the Complaints Director is seeking that only part of the costs of the investigation and hearing be paid. The Complaints Director is only seeking that \$2,000.00 of the costs be paid, and the timelines to pay are very reasonable.
- 46. The joint submission is well within the public interest test, and the sanction also serves sentencing purposes by protecting the public by deterring both Mr. Patel and other members from engaging in similar conduct, the sanctions are consistent with past similar decisions and are reflective of the *Jaswal* factors.
- 47. Therefore, Ms. Reid encouraged the Hearing Tribunal to accept the joint submissions of the parties.

Submissions on Behalf of Mr. Saleem as to Sanction

- 48. Mr. Saleem did not add any additional information as to sanction.

Questions of the Hearing Tribunal

- 49. The Hearing Tribunal noted to the parties that in the two cases put forth by Ms. Reid, the regulated members in those cases received a reprimand, whereas in this case a caution was being suggested. Both options – a caution and a reprimand – are available as options to the Hearing Tribunal under section 82 of the HPA. The Hearing Tribunal requested an explanation of the use of the caution from both parties, versus a reprimand.
- 50. Ms. Reid stated that the proposed caution was chosen due to the fact that Mr. Patel thought he had the personal insurance by virtue of his other corporate insurance policy,

which was a mitigating factor, although she confirmed that both a reprimand and a caution serve the same purpose of bringing home the conduct to the member.

51. Mr. Saleem in his submissions reiterated that the corporate insurance policy included the wording “Personal” which caused the confusion. He submitted that a lighter sanction, using a caution in lieu of a reprimand, is appropriate in this case. Mr. Patel did engage an insurance agent who was providing that advice to him, and he relied on that advice, believing he did have proper insurance, and so the two parties had agreed upon a caution in these circumstances.
52. The Hearing Tribunal was satisfied with this response and had no further questions of the parties.

VI. **ORDERS**

53. After carefully considering the Joint Submission on Sanctions, the facts of the case, and the parties’ submissions, the Hearing Tribunal accepted the Joint Submission on Sanctions.
54. The Hearing Tribunal acknowledged it should defer to the Joint Submission on Sanction unless it believed the proposed sanctions would bring the administration of justice into disrepute or would otherwise be contrary to the public of interest.
55. 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).
56. 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).
57. 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 joint submission the undeniably high threshold of deference provided for in the jurisprudence.
58. Having regard for the factors identified in the *Jaswal* decision, including the two similar decisions (both 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.
59. The Hearing Tribunal specifically notes that Mr. Patel has been forthright and cooperative in this matter and acknowledges that he did misapprehend the insurance

coverage that he had, which is not an excuse but differentiates these circumstances from those of a member who willfully chose not to obtain the insurance in the first place.

60. 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, most of the costs will be borne by the College and its members, and only a fraction will be borne by Mr. Patel. This recognizes the trends in Albertan regulatory jurisprudence, and the time to pay will ensure that the costs award is not a crushing financial blow to Mr. Patel.
61. Accordingly, the Hearing Tribunal orders as follows:
1. Mr. Patel shall receive a caution, and the Hearing Tribunal's written decision shall serve as the caution.
 2. Mr. Patel shall pay a fine of \$1,000.00.
 3. Mr. Patel shall be responsible for the payment of the costs of the investigation and hearing to a maximum of \$2,000.00.
 4. Mr. Patel shall pay the fine in paragraph 2 within 90 days and the costs in paragraph 3 within 24 months of the date that he receives a copy of the Hearing Tribunal's written decision. Payment will occur in accordance with a payment schedule satisfactory to the Hearings Director.

Signed on behalf of the Hearing Tribunal by the Chair on the 27th day of August, 2025.

Per: Kory Sloan
Kory Sloan (Aug 27, 2025 16:48:31 MDT)
Kory Sloan, Chair