

**SUMMARY OF DECISION OF THE ADJUDICATION TRIBUNAL**  
**Susan Gillingham – 99-858**

On January 14, 2020, the Registrar of the Newfoundland and Labrador Pharmacy Board (NLPB) filed an allegation against Susan Gillingham, registration number 99-858, who was the pharmacist-in-charge at Shoppers Drug Mart, LeMarchant Road, St. John's, NL from 2006 until 2021. Following an investigation into the allegation, information was identified that led to the Registrar filing a second allegation against Ms. Gillingham on November 22, 2021. The allegations resulted in two complaints being referred to an Adjudication Tribunal of the NLPB.

Complaints

On June 20, 2023, the Adjudication Tribunal found Ms. Gillingham guilty of conduct deserving of sanction pursuant to s. 35(c) of the *Pharmacy Act, 2012* with respect to both complaints. The Adjudication Tribunal accepted Agreed Statements of Fact that were submitted jointly by Ms. Gillingham and NLPB with respect to both complaints. The Agreed Statements of Fact noted the following:

Complaint 1:

Between 2007 and 2019, Ms. Gillingham had a personal relationship with Patient 1 while he was a patient of the pharmacy and while she was personally involved in his care. During that time, Ms. Gillingham provided Patient 1's witnessed methadone doses to him outside the pharmacy.

When providing Patient 1's witnessed methadone doses to him outside the pharmacy, Ms. Gillingham:

- did not document the provision of the doses on an Administration Log or ask Patient 1 to sign for each dose provided, at the time it was provided;
- did not retain Administration Logs for Patient 1 in the pharmacy in a readily retrievable format; and
- did not review Patient 1's local profile, Pharmacy Network Profile and Administration Log prior to releasing methadone doses to him.

On several occasions, Ms. Gillingham deviated from providing Patient 1's methadone dose to him personally by leaving his dose at his doorstep, with a family member, and/or in a lock box for him to retrieve.

In 2019, Ms. Gillingham had a personal relationship with Patient 2 while he was a patient of the pharmacy and while she was personally involved in his care.

Complaint 2:

On January 14, 2020, the Registrar of NLPB filed an allegation against Ms. Gillingham with respect to her personal relationships with Patient 1 and Patient 2. In response to this allegation, Ms. Gillingham:

- falsified backdated Administration Logs for Patient 1's methadone doses administered between 2011 and 2019;
- asked Patient 1 to sign the falsified Administration Logs that she had prepared, which he did;

- submitted scanned copies of the falsified Administration Logs to NLPB, presenting them as copies of authentic Administration Logs signed at the time of administration of Patient 1's methadone doses.

Subsequently, NLPB received information that Ms. Gillingham and Patient 1 had falsified the Administration Logs that she had submitted to NLPB. When Ms. Gillingham was interviewed about this additional information, she provided the original hard copies of the falsified Administration Logs to NLPB, again presenting them as authentic Administration Logs signed at the time of administration of Patient 1's methadone doses.

### Sanctions

The Adjudication Tribunal accepted Ms. Gillingham's guilty pleas to the Complaints and found her guilty of conduct deserving of sanction as a result of violating the following requirements (as they were at the applicable times), in summary:

From the NLPB *Code of Ethics*:

- respect the professional relationship with the patient and act with honesty, integrity, and compassion;
- maintain appropriate professional boundaries with patients;
- embrace the ethical principles of the profession and do not engage in activity that will undermine public trust in or bring discredit to the profession;
- avoid conflicts of interest;
- obey the laws, regulations, standards and policies of the profession.

From the NLPB standards respecting Opioid Agonist Maintenance Treatment:

- maintain all required documentation in the pharmacy in a readily retrievable format;
- witness the ingestion of witnessed doses of methadone
- prior to releasing methadone doses to the patient, the pharmacists must review the patient's local profile, Pharmacy Network profile, and Administration Log to determine that it is safe and appropriate to provide the dose, and must document the doses on the Administration Log and ask the patient to sign for each dose provided.

From the definition of "professional misconduct" as set out in the NLPB By-Laws, it is professional misconduct to:

- breach the Code of Ethics or standards of practice approved by the board;
- falsify or fail to maintain appropriate patient and prescription records;
- engage in such conduct or acts relevant to the practice of pharmacy that would reasonably be regarded as disgraceful, dishonorable or unprofessional.

The Adjudication Tribunal accepted a Joint Submission on sanctions that was submitted jointly by Ms. Gillingham and NLPB with respect to both complaints. The Adjudication Tribunal then ordered that:

- (a) the Respondent is to be reprimanded;
- (b) the Respondent, who is not currently registered to practice pharmacy in NL is, in lieu of a suspension, not permitted to apply for re-registration for five years following the date of this decision;

- (c) should the Respondent seek re-registration:
  - a. she is restricted from acting as Pharmacist-in-Charge for a minimum of three years;
  - b. prior to obtaining registration, she must successfully complete, at her own cost, an ethics course approved in advance by the NLPB;
- (d) the Respondent is to pay a portion of the costs of the investigation into these matters in the amount of \$4,900.00;
- (e) all costs shall be paid within three years from the date of this decision, in equal quarterly payments, or any other payment schedule agreed upon in writing by the parties;
- (f) the decision of the Adjudication Tribunal or any summary thereof will be published as per the *Pharmacy Act, 2012* and the *NLPB Transparency in Disciplinary Proceedings Policy*.