

**OUTCOME OF FITNESS
TO PRACTISE HEARING**

Case Number	2010/02
Name	Mr Derek Webb
Registration Number	2317
Date of Hearing	13 th May 2010
The Notice of Allegation	<ol style="list-style-type: none"> 1. That on 27th September 2006, Mr Webb pleaded guilty to, and was thereby convicted of, an offence contrary to Paragraph 1 of Schedule 3 of the Medicines for Human Use (Marketing Authorisations Etc) Regulations 1994 and Regulation 7(4) of the said Regulations in that on a date between 1st December 2004 and 5th February 2005 he placed on the market a relevant medicinal product namely Portavogie Teething Mixture without holding a Community or United Kingdom marketing authorisation in respect of that product. 2. That on 27th September 2006, Mr Webb pleaded guilty to, and was thereby convicted of, an offence contrary to Regulation 23(1) of the Medicines (Advertising) Regulations 1994 in that on 13th January 2005 he, in contravention of Regulation 7 of the Medicines (Advertising) Regulations 1994, issued an advertisement which was likely to lead to the use of a relevant medicinal product, namely, Portavogie Teething Mixture, which is a medicinal product for supply by prescription only and which is subject to restrictions imposed by Section 58(2) of the Medicines Act 1968. 3 That between 1st December 2004 and 5th February 2005, Mr Webb prepared, exposed for general sale, sold and supplied a relevant medicinal product, namely a Teething Mixture which contained Trimeprazine, a prescription only medicine, other than in accordance

with a relevant and valid prescription.

4. That between 1st December 2004 and 5th February 2005, Mr Webb prepared, exposed for general sale, sold and supplied a relevant medicinal product, namely a Teething Mixture for use by children from the age of 3 months which contained Trimeprazine when Trimeprazine was not recommended for use by children under 2 years of age.
5. That between 1st December 2004 and 5th February 2005, Mr Webb prepared, exposed for general sale, sold and supplied a relevant medicinal product, namely a Teething Mixture which contained Trimeprazine, which was likely to cause harm to human health if taken by children under the age of 2 years..
- 6 Mr Webb failed to comply with the following principles and associated obligations of the Pharmaceutical Society of Northern Ireland's Code of Ethics and Practice;
 - 6.1 Principle 1 – A pharmacist's prime concern must be for the welfare of both the patient and other members of the public.
 - 6.2. Principle 2 – A pharmacist must uphold the honour and dignity of the profession and not engage in any activity which may bring the profession into disrepute.
 - 6.3. Principle 3 - A pharmacist must at all times have regard to the laws and regulations applicable to a pharmaceutical practice and maintain a high standard of professional conduct. A pharmacist must avoid any act or omission which would impair confidence in the pharmaceutical profession. When a

	<p>pharmaceutical service is provided, a pharmacist must ensure that it is efficient.</p> <p>7 By Mr Webb's acts or omissions he had (a) brought the profession into disrepute, (b) failed, on a professional basis, to observe the principles set out above and (c) undermined public confidence in the profession 1.</p> <p>The Committee met at 73 University Street Belfast BT7 1HL for the purpose of making Inquiry into the case and ascertaining the facts in relation to the matters listed, and subject to the provisions of the Pharmacy (Northern Ireland) Order 1976 to consider the restoration of Mr Webb to the Register.</p>
Determination	<p>Having regard to all those matters and to the duty to be proportionate in the decision the Committee determined that Mr Webb's actions were indeed misconduct and were of the unanimous view that it would <u>not</u> restore Mr Webb to the Register</p> <p>The Committee noted:</p> <ul style="list-style-type: none"> ○ The seriousness of the offence ○ The lack of insight shown by Mr Webb as superintendent ○ Mr Webb had failed to demonstrate sufficient evidence regarding updating his knowledge and skills regarding a planned return to practise ○ A restoration would not maintain public confidence ○ The length of time he has been off the register some 3¹/₂ years ○ Character references provided ○ Other representations [none] ○ Mr Webb's previous removal by Council in 2006 for non-payment of pharmacist registration fees
Time Scale for Enactment	Immediate
Chair of Committee	Mr Tim Ferris QC
Members of the Fitness to Practise Committee	Mr Tim Ferris QC (in the chair) Dr Terence Maguire Ms Hilary Rea Mr Roy Junkin Ms Miriam Karp Mr Andrew Thomson
Society Counsel	Mr Jon-Paul Shields, instructed by Aaron Moore (Cleverer Fulton Rankin)
Registrant Counsel	Mr Keith Gibson, instructed by Simon Murray (Murray Kelly Moore)
Clerk of Committee	Mr Brendan Kerr