

**OUTCOME OF FITNESS
TO PRACTISE HEARING**

Case Number	2011/03
Name	Mr Michael McMullan
Registration Number	2572R.
Date of Hearing	7 th 8 th and 26 th November 2011
The Notice of Allegation	<p>That on various dates on and between 1st January 2005 and 9th April 2008, whilst working as a pharmacist at McMullan Pharmacy, 63 Castle Street, Ballycastle, it was alleged that he:</p> <ol style="list-style-type: none"> 1. Engaged in a practice of inappropriate and excessive dispensing of a Prescription Only Medicine (POM), namely Remedeine Forte to a patient; 2. Dispensed Remedeine Forte, a POM containing paracetamol, in such a quantity and with such a frequency that the supply enabled and allowed the patient to exceed the recommended dosage for Paracetamol; 3. Dispensed Remedeine Forte in circumstances where he should not have dispensed those quantities; 4. Dispensed Remedeine Forte to the said patient in breach of his established Standard Operating Procedures. <p>And further it was alleged that he:–</p> <ol style="list-style-type: none"> 5. Acted in a manner that calls into question his professional judgment; 6. Failed to comply with the following principles and associated obligations of the Pharmaceutical Society of Northern Ireland's Code of Ethics and Practice: <ol style="list-style-type: none"> 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 pharmaceutical service is provided, a pharmacist must ensure that it is efficient. 7. By his acts or omissions he has (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.

Determination	<p>The Committee was satisfied to the necessary standard, namely the balance of probabilities, based on the evidence before them that the allegations at paragraphs 1, 2, 3, 4, 5, 6 and 7 were all true</p> <p>Conclusion Mr McMullan accepted this to be the case and had indicated</p> <ul style="list-style-type: none"> • He had a duty to protect the public and he failed this with this patient • The patient was supplied an excessive amount of Remedine Forte • He should have looked to refuse to dispense the prescription • He had an overarching responsibility for the management of the pharmacy • The GP and the patient were obdurate and he should have stood up to them <p>In mitigation Mr McMullan had detailed</p> <ul style="list-style-type: none"> • Personal extenuating circumstances regarding his relationship with the GP • He cooperated fully with the investigation • He has since reviewed all standard operating procedures • He has maintained his continued professional development • He has provide character and personal references in his favour • He has had a unblemished career to date <p>The Committee minded to be fair and proportionate and considering all factors in this case have determined it is not necessary for the protection of the public to remove Mr McMullan from the register. The committee however would register a serious concern as to the conduct of Mr McMullan at the time of these dispensing's</p>
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 Patrick Fleming (Cleverer Fulton Rankin)
Registrant Counsel	Mr David Dunlop, instructed by Leigh Linton (Carson McDowell)
Clerks to the Committee	Mr Brendan Kerr and Mr Peter McKee