

**BEFORE THE STATUTORY COMMITTEE  
OF THE PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND**

**PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND**

**AND**

FIONA COLLINS

**REGISTRATION NUMBER**

**4464**

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**DETERMINATION FOLLOWING HEARING ON  
22<sup>nd</sup> September 2014**

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**Service**

The Committee is satisfied that service of the Notice of Hearing has been properly effected and/or that all reasonable efforts have been made to notify the Registered Person Concerned of the hearing.

The Committee further determined that it would be appropriate for the hearing to proceed in the Registered Person's absence.

The reasons for this are as follows ;

The Registrant has confirmed that she is aware that the hearing is proceeding.

The Registrant has confirmed that she does not intend to attend the hearing.

The Registrant has made written submissions for consideration by the committee in her absence.

**Preliminary legal arguments**

The Committee has decided to treat the documents submitted by the Registrant as a written representation to the committee on her behalf rather than as a witness statement. The statutory committee does not consider it necessary to have the representation signed or attested for the reason that it does not constitute a witness statement in accordance with the rules.

**ALLEGATION**

The allegations in this matter are set forth in the Notice of Hearing lodged by the Pharmacy Society and dated 15 August 2014 and are as follows:-

1. That the Registrant failed to start a period of direct supervised practice as directed or at all.
2. That the Registrant does not intend to commence any period of direct supervised practice as directed.

***Background to the allegations***

The Statutory Committee noted that this matter has been dealt with by it on 2 occasions. Clarification was sought and obtained in July 2014 as to the intention of the Statutory Committee in dealing with this matter. It is noted that in the written representation from the Registrant and the correspondence received by the Society from the Registrant's Solicitors it is accepted that the Registrant does not wish to commence direct supervised practice at this time.

## **Findings**

### **Consideration of the Imposition of Conditions**

1. That as a consequence of the failure of The Registrant to comply with the conditions imposed by the Statutory Committee on the Registrant the Committee has been asked to impose an alternative to decide on what further sanctions should be imposed on the Registrant in the circumstances.
2. The Statutory Committee has considered the matter having regard to what is the minimum sanction necessary in this matter for the protection of the public and for the maintenance of the standards of the Pharmacy profession.
3. The Committee has considered whether to impose extended conditions on the registered person or in the alternative consider the replacement of the existing conditions as imposed with altered or extended conditions.
4. The Committee notes that no alternative conditions have been suggested by the Registrant or her legal representatives to this Committee.
5. The Committee also notes that any conditions imposed by it must be capable of implementation under the supervision of the Society.
6. It is clear to the Committee that the imposition of conditions in the context of the failure by the Registrant to implement the conditions already imposed is impractical and would not protect the public or maintain standards. In this regard the Committee notes that the Registrant was unable to offer a date upon which a return to practice might commence.
7. The Committee has considered the indicative sanctions guide with regard to the appropriate action to be taken in the present circumstances.

### **Consideration of the Imposition of Suspension**

8. Having decided that the imposition of conditions is no longer appropriate in the present case considered whether to suspend the registration of the Registrant.
9. The Committee note with concern that the delay in the Registrant continuing to return to practice will result in the Registrant becoming less competent in the absence of ongoing practical experience.
10. The Committee feels however that the minimum necessary in this matter in the absence of workable conditions as to practice having been implemented is to suspend Ms Collins for a period of 12 months on the basis that Ms Collins may seek an earlier review of this matter on her own application.
11. It is the opinion of the Committee that Ms Collins in the event of her seeking either an early review of this matter or at the review hearing to be held will have to demonstrate to the Statutory Committee that she is then fit for practice and this will mean that she will have to address the concerns of the Committee which were represented by the conditions previously imposed.

### **Consideration of Striking Off**

The Committee does not consider that the erasure of the registration of the Registrant from the register is appropriate at this stage. The Registrant should be aware however that this issue may be revisited at a later hearing.

### **Other matters**

The Committee hereby vacates the scheduled hearing on 15<sup>th</sup> February 2015.

This matter will be made the subject of a further review between 4 and 6 weeks prior to the date of expiration of the 12 month period of suspension hereby ordered.

At the review hearing as scheduled (or any earlier review hearing requested by the Registrant) the Committee will then consider what steps the Registrant is taking to deal with the short comings

identified in the previous findings of the Committee and will require evidence that the Registrant has maintained and improved her existing skills and knowledge and that patients will not be put at risk by the resumption of practice of the Registrant.

### **Costs**

The Committee took in to consideration the submissions of the Registrant with regard to her limited means and heard the representations of the Society with regard to the level of costs which it has incurred to date.

The Committee considered the schedules of costs which had been submitted by the solicitors for the Society in accordance with the Rules and served on the Registrant.

The Committee orders as follows:-

1. It is not appropriate, having regard to the present means of the Registrant, that all of the costs of the Society be paid by the Registrant.
2. The Registrant is order to make a contribution of £2,000 towards the costs of the Society in this matter.
3. Payment by the Registrant is to be made within 12 months from the date of this Order.

**Chairman of the Committee: Kevin J Neary**

Signed

  
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Date 21<sup>st</sup> September 2014

## FURTHER INFORMATION

### Transcript

A full transcript of the hearing will be made available in due course.

### Appeal

Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period.

### Professional Standards Authority

This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been unduly lenient and/or should not have been made, and if they consider that referral is desirable for the protection of the public. PSA is required to make its decision within 40 days of the hearing (or 40 days from the last day on which a registrant can appeal against the decision, if applicable) and will send written confirmation of a decision to refer to registrants on the first working day following a hearing. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the Society of a change of address).

Further information about the PSA can be obtained from its website at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk) or by telephone on 020 7389 8030.

### Effect of orders for suspension or erasure

To practise as a pharmacist in Northern Ireland, or to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.

### Contact

If you require any further information, please contact **xxxx**