

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

**PHARMACEUTICAL SOCIETY OF NORTHERN IRELAND**

**AND**

**PAULA MARIE DONNELLY (Registration Number 3339)**

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**DETERMINATION FOLLOWING APPLICATION FOR RESTORATION  
T THE REGISTER**

**13<sup>TH</sup> FEBRUARY 2015**

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Statutory Committee Panel Members:

Gillian McGaughey (Chair)

Dr Carol Ackah (Lay Member)

Catherine Wilkinson (Registrant Member)

This is an application for restoration to the Register by Paula Donnelly. On 28<sup>th</sup> January 2011 the Statutory Committee directed the removal of the applicant from the register by reason of her misconduct. The misconduct in question arose from the supply of prescription only medication to the residents of Hollybank House without reference to prescriptions for a

two year period from 2007 to 2009. It was not disputed that the residents of Hollybank House were vulnerable adults.

The Statutory Committee's direction became effective on 28<sup>th</sup> April 2011, the applicant having expressly declined to issue any appeal against the Committee's determination. The applicant has therefore been barred from practice as a pharmacist for a period of 3 years and nine months although she had not in fact been working from 2009.

By letter dated 18<sup>th</sup> September 2014 Mrs Donnelly made application for restoration of her name to the register. The test for restoration is set out in paragraph 9 of Schedule 3 of the Pharmacy (Northern Ireland) Order 1976 as amended. The applicant was removed prior to the introduction of the current Fitness to Practise Regulations. However in support of her application she submitted a portfolio of documentation covering the criteria for restoration as defined in paragraph 9.

When considering an application for restoration the Committee must be mindful of the purpose of the original sanction of removal from the register. The sanction is intended to protect the public, maintain public confidence in the profession and maintain proper standards of behaviour.

In addition to the comprehensive documentation supplied by the Society and the applicant we had the benefit of hearing from the applicant at length. During her examination in chief by Mr Wilson and the careful and considered cross examination by Mr Shields the applicant gave a full and frank account of the events leading up to her removal. In an effort to explain how the original misconduct arose Mrs Donnelly described the broad range of personal and professional stresses and challenges she was facing during that period. This evidence was adduced by way of explanation rather than excuse as it was accepted that the applicant has never sought at any stage to resile from her admission of her misconduct from the initial investigation onwards.

Four aggravating factors were identified by the original committee, namely:

- The patients involved were vulnerable
- The misconduct was repeated over a prolonged period of harm
- There was potential injury to patients.
- The misconduct took place when Mrs Donnelly was in charge of the pharmacy

The committee also recognised that there were a number of mitigating factors including the difficult working circumstances in which Mrs Donnelly found herself and pressures arising from family responsibilities and family illness. She had a previously unblemished record and

had acknowledged her personal culpability from the outset. The committee also noted that happily no actual harm had been experienced by any resident of Hollybank as a consequence of the misconduct.

We are satisfied that throughout this process Mrs Donnelly has always demonstrated significant insight into the gravity of her misconduct. We were struck by her evidence to us that she had decided not to appeal the original removal because she felt the decision was justified. She also testified that she was devastated by her actions and haunted by the potential risk of harm to the residents of Hollybank House. She bitterly regretted the shame and embarrassment she had brought to her family and the damage to the reputation of the profession.

Since her removal Mrs Donnelly has demonstrated unswerving commitment to addressing her shortcomings. She enlisted the assistance of very experienced pharmacists as mentors. In conjunction with those mentor she developed a three year personal development plan to change her work practice behaviour in line with the Standards of Excellence of the Society. The plan was focused on evidence based practice highlighting patient safety, best practice and clinical governance. We were impressed by the clear learning objectives identified in the plan and the combination of academic study with practice based learning. The quarterly mentoring reviews demonstrated a clear progression towards the attainment of the objectives. Paula Donnelly has been proactive in maintaining her own professional development and has completed a wide range of relevant courses during the period when she has been off the register. The testimonials from professional colleagues commented on her excellent level of professional knowledge and attest to her competent performance in the professional setting. They all expressed confidence in her ability to practice as a pharmacist should she be restored to the register. Her patient care skills were complimented in testimonials from patients.

The onus is on the applicant to satisfy us that she is fit to practise as a pharmacist. For the reasons we have outlined we are of the view that the applicant has satisfied us of her fitness to be restored to the register. We are mindful that paragraph 9(6) of Schedule 3 empowers us to make the applicant's restoration subject to conditions for a period of up to three years. Given the programme of work undertaken by Mrs Donnelly and the evidence we have heard about the impact of that work on her professional competence as a pharmacist we do not consider that there is any condition that we could usefully impose. However we were impressed by the network of professional peer support that Mrs Donnelly has established over the last three years and would strongly encourage her to continue to avail of that support on her return to practise.

The committee would like to wish Mrs Donnelly well in her future career.

A handwritten signature in black ink that reads "Gillian McGaughey". The signature is written in a cursive style with a large initial 'G' and 'M'.

**Gillian McGaughey**

**Legal Chair to the Statutory Committee**

**13<sup>th</sup> February 2015**