

**OUTCOME OF FITNESS
TO PRACTISE HEARING**

Case Number	2010/03
Name	Mr Damien Johnston
Registration Number	
Date of Hearing	2 nd September 2010
The Notice of Allegation	<p>1. That as a registered pharmacist, and having failed to pay the annual personal retention fee which became due and owing on 1st June 2009, and having been removed from the register of pharmaceutical chemists on 2nd September 2009, following statutory notification, you</p> <ol style="list-style-type: none"> 1.1. Continued to work on 7 occasions between 12th September 2009 and 28th November 2009 in a pharmacy; 1.2. Knowingly practised as a pharmacist during this period in the knowledge that you were not on the register; 1.3. Deliberately and dishonestly secured employment, or allowed yourself to be employed, as a pharmacist during this period knowing that you were not entitled to practise as a pharmacist in Northern Ireland; 1.4. Dishonestly, entered your personal details, or caused or allowed these details to be entered, in the Responsible Pharmacist's Register without being entitled to have these details so recorded on various dates between 3rd October 2009 and 28th November 2009; 1.5. Deliberately and dishonestly misled your employer about your unregistered status by both act and omission, by failing to advise your employer that you were no longer on the register and by signing the Responsible Pharmacist's Register; 1.6. Caused, allowed or permitted the supply of Prescription Only Medicines other than under the supervision and control of a registered pharmacist in Northern Ireland; 1.7. Accepted possession and control of and responsibility for controlled drugs without proper authority and without being a registered pharmacist in Northern Ireland; 1.8. Failed to appreciate the significance and importance of registration; 1.9. By your acts and omissions frustrated the purposes of the system of registration; 1.10. By your acts and omissions showed deliberate disregard for the system of registration; and 1.11. Deliberately and dishonestly abused a position of trust.

	<p>2. You failed to comply with the following principles and associated obligations of the Pharmaceutical Society of Northern Ireland's Code of Ethics;</p> <ul style="list-style-type: none"> 2.1. Principle 7 – Act with honesty and integrity 2.1.1. Obligation 7.1 - Maintain public trust and confidence in your profession by acting with honesty, integrity and professionalism 2.2. Principle 8 - Provide a high standard of practice and care at all times 2.3. Obligation 8.8 - Take all reasonable steps to ensure that both you and those you employ or supervise comply with all legal and professional requirements and best practice guidance 2.4. Obligation 8.9 - Ensure that workload or working conditions do not compromise patient care or public safety 2.5. Obligation 8.11 - Ensure that all professional activities undertaken by you, or under your control, are covered by appropriate professional indemnity arrangements. <p>3. By your acts or omissions you have (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.</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 alleged misconduct and the restoration of Mr Johnston to the Register.</p>
<p>Determination</p>	<p>The Committee viewed that by his acts and omissions he:</p> <ul style="list-style-type: none"> 1. Had shown contempt for the system of registration; 2. Had been dishonest; 3. Had repeated actions in respect of his acting as a pharmacist when not registered; 4. Had abused trust. <p>The Committee considered the purpose of sanctions, the aggravating features and the mitigating features, and the references provided.</p> <p>Decision</p> <p>The decision was that a direction should be given that the name of the applicant, Damien Johnston <u>shall not be</u> restored to the Register. However this prohibition should not be forever or be indefinite. The Committee are willing to consider the possibility that it would direct restoration after a period of six months.</p> <p>t</p>

	The Committee considered the need to maintain public confidence in the profession and its governance and the need to maintain proper standards of behaviour and the allied need to protect the public, which arises from the registration system.
Time Scale for Enactment	Immediate subject to any appeal
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 John Paul Shields, instructed by Aaron Moore (Cleaver Fulton Rankin)
Registrant Counsel	Mr Greg Berry, instructed by Ciaran Toner(Robert Murtagh and Co)
Clerk of Committee	Mr Brendan Kerr