

OUTCOME OF FITNESS TO PRACTISE HEARING

Case Number	2011/04
Name	Mr Kenneth Brian Martin
Registration Number	2013
Date of Hearing	20 th June, 17 th and 30 th August 2011
The Notice of Allegation	<p>First notice of inquiry 25th February 2011 re issued 28th April 2011</p> <p>It was alleged that; That on various dates on and between 10th July 2009 and 22nd March 2010 he:</p> <ol style="list-style-type: none"> 1. Whilst working as a pharmacist, procured through pharmacy premises a pharmacy medicine [P] namely Terpin and Codeine Linctus, in a manner and for a purpose that was an abuse of his position 2. Misused the said medicinal product that had been procured by him through various pharmacy premises. 3. Concealed his misuse of the said medicinal product from the relevant authorities, the DHSSPS and the Pharmaceutical Society of Northern Ireland, in circumstances where disclosure was required and ought to have been made by him. 4. Omitted to supply to his General Practitioner relevant information concerning his misuse of the said medicinal product at a time when his General Practitioner was, on behalf of the DHSSPS and the PSNI, actively assessing his fitness to practice without restrictions. <p>And that on 18th March 2010 he,</p> <ol style="list-style-type: none"> 5. Whilst working as a pharmacist at the Co-Operative Pharmacy, 155 Crumlin Road, and having procured a medicinal product namely Terpin and Codeine Linctus, he consumed a quantity of that medicinal product during working hours in a dosage that clearly exceeded the recommended dose and was of such a quantity as to give rise to serious concern about his professional judgment. <p>And further -</p> <ol style="list-style-type: none"> 6. Acted in a manner that called into question his integrity and professional judgment. 7. He failed to comply with the following principles and associated obligations of the Pharmaceutical Society of Northern Ireland's Code of Ethics and Practice

	<p>7.1 Principle 1 – You must make the safety and welfare of patients your prime concern (with associated obligations 1.1 and 1.6)</p> <p>7.2 Principle 4 – exercise professional judgement in the interests of patients and the public (with associated obligation 4.1)</p> <p>7.3 Principle 6 – maintain and develop professional knowledge and competence. (with associated obligation 6.6)</p> <p>7.4 Principle 7 – You must act with honesty and integrity (with associated obligations 7.1 and 7.2)</p> <p>7.5 Principle 8 - Provide a high standard of practice and care at all times (with associated obligations 8.1, 8.8 and particularly 8.14)</p> <p>8. He failed to comply with the following principles and associated obligations of the Pharmaceutical Society of Northern Ireland’s Professional standards and guidance for the sale and supply of medicines specifically sections 2.7 and 2.8</p> <p>9. By his acts or omissions he has</p> <p>(a) brought the profession into disrepute,</p> <p>(b) failed, on a professional basis, to observe the principles set out above and</p> <p>(c) Undermined public confidence in the profession.</p>
<p>Determination</p>	<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, 7.1, 7.2, 7.3, 7.4 and 7.5 in so far as it relies on obligation 8.14, and also paragraphs 9(A) and 9(C) were true.</p> <p>The Committee was not satisfied to the necessary standard in respect of allegations at paragraph 5, paragraph 7.5 in so far as it relies on obligations 8.1 and 8.8, which are not obviously relevant to the facts of this case, or paragraph 8, as again the obligations relied upon thereby do not appear appropriate to the facts of this case.</p> <p>Paragraph 9 (B) is simply a repetition of the previous matters and accordingly no finding was made in relation to this.</p> <p><u>CONCLUSIONS.</u></p> <p>The committee was of the view that it would be inappropriate to allow Mr Martin to continue to practise as a pharmacist, and that he should be struck off the Register.</p>

	<p>Reasons for this decision were as follows:</p> <p>A. That Mr Martin's use of Codeine for self-medication amounted to abuse of the drug.</p> <p>B. His abuse of Codeine was increasing in amount, and as he told Dr Patterson, he continued it even though he realised he should stop.</p> <p>C. He has breached the trust placed in him by the PSNI, who had worked with him to rehabilitate him into the profession after being struck off in 2004.</p> <p>D. He abused his position of employment as a locum pharmacist with various pharmacies referred to, to obtain quantities of Terpin and Codeine, which he would not otherwise have been able to obtain.</p> <p>E. His recent Codeine abuse is the more serious, given that he has already been struck off under Article 18 in 2004.</p> <p>F. The public could not have confidence in the pharmacy profession if on this occasion he was allowed to remain on the Register.</p> <p>G. Nor do we consider that we would be discharging our duty to protect the public by allowing him to remain on the Register.</p> <p>:</p>
Time Scale for Enactment	Three months from date of determination which was on.30 th August 2011, subject to any appeal
Chair of Committee	Mr Tim Ferris QC
Members of the Fitness to Practise Committee	<p>Mr Tim Ferris QC (in the chair)</p> <p>Dr Terence Maguire</p> <p>Mr Roy Junkin</p> <p>Ms Miriam Karp</p> <p>Mrs Hilary Rea</p> <p>Mr Andrew Thomson</p>
Society Counsel	Mr Jon Paul Shields, instructed by Patrick Fleming Moore (Clever Fulton Rankin)

Registrant Counsel	Mr Nigel Martin instructed by Ms Janet Beattie (Orr and Co)
Clerk of Committee	Mr Brendan Kerr