

## OUTCOME OF FITNESS TO PRACTISE HEARING

<b>Case Number</b>	2011/04
<b>Name</b>	Mr Kenneth Brian Martin
<b>Registration Number</b>	2013
<b>Date of Hearing</b>	20 <sup>th</sup> June, 17 <sup>th</sup> and 30 <sup>th</sup> August 2011
<b>The Notice of Allegation</b>	<p>Second notice of inquiry dated 20<sup>th</sup> June 2011 It was alleged that;</p> <ol style="list-style-type: none"> <li>1. On 5<sup>th</sup> November 2010 he voluntarily entered into undertakings made to the Pharmaceutical Society of Northern Ireland and that thereafter on a date or dates unknown between 5<sup>th</sup> November 2010 and 31<sup>st</sup> May 2011 he breached three of those undertakings, namely that he: <ol style="list-style-type: none"> <li>a) Abstain absolutely from alcohol;</li> <li>b) Abstain absolutely from all drugs, except those prescribed by his general practitioner or other treating doctor; and</li> <li>c) Only consume over the counter medication that has been approved by his general practitioner.</li> </ol> </li> <li>2. And Further it is specifically alleged that on a date or dates unknown between 5<sup>th</sup> November 2010 and 31<sup>st</sup> May 2011 he consumed alcohol and codeine and that use of the said codeine was not pursuant to a prescription issued by any doctor or approved by a general practitioner.</li> </ol> <p>And further -</p> <ol style="list-style-type: none"> <li>3. Acted in a manner that calls into question his integrity and professional judgment.</li> <li>4. he 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"> <li>1.1 Principle 1 – You must make the safety and welfare of patients your prime concern (with associated obligations 1.1 and 1.6)</li> <li>1.2 Principle 4 – exercise professional judgement in the interests of patients and the public (with associated obligation 4.1 )</li> <li>1.3 Principle 6 – maintain and develop professional knowledge and competence. (with associated obligation 6.6 )</li> </ol> </li> </ol>

	<p>1.4 Principle 7 – You must act with honesty and integrity (with associated obligations 7.1 and 7.2)</p> <p>1.5 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>5. 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>6. By his acts or omissions he has:-</p> <ul style="list-style-type: none"> <li>(a) brought the profession into disrepute,</li> <li>(b) failed, on a professional basis, to observe the principles set out above and</li> <li>(c) undermined public confidence in the profession.</li> </ul> <p>.</p>
<b>Determination</b>	<p>The Committee concluded that based on the evidence available, being satisfied on the balance of probabilities that the allegations at paragraphs 1 (B) and 1(C) were established.</p> <p>The Committee was also satisfied to the appropriate standard that the allegations contained at paragraphs 3, 4, and 6 were established.</p> <p>The committee was not satisfied that the allegation at paragraph 1 (A) was established. Nor did the committee did find that the allegations at paragraph 5 were established, they did not consider that the obligations referred to at sections 2.7 and 2.8 of the Society's Professional Standards and Guidance were relevant to the facts of this case.</p> <p>[Paragraph 2 covers the same ground at paragraph 1 and accordingly no finding was made in relation to this.]</p> <p>Conclusion</p> <p>The Committee were of the view that it would not be proper to allow Mr Martin to remain on the Register.</p>
<b>Time Scale for Enactment</b>	<p>Three months from date of determination which was on.30<sup>th</sup> August 2011 subject to any appeal</p>

<b>Chair of Committee</b>	Mr Tim Ferris QC
<b>Members of the Fitness to Practise Committee</b>	Mr Tim Ferris QC (in the chair) Dr Terence Maguire Mr Roy Junkin Ms Miriam Karp Mrs Hilary Rea Mr Andrew Thomson
<b>Society Counsel</b>	Mr Jon Paul Shields, instructed by Patrick Fleming Moore (Cleaver Fulton Rankin)
<b>Registrant Counsel</b>	Mr Nigel Martin instructed by Ms Janet Beattie (Orr and Co)
<b>Clerk of Committee</b>	Mr Brendan Kerr