

**OUTCOME OF FITNESS
TO PRACTISE HEARING**

| | |
|---------------------------------|--|
| Case Number | 2009/02 |
| Name | Mr Martin Joseph Patrick McDaid |
| Registration Number | 2846 |
| Date of Hearing | 24 th , 25 th June and 1 st July 2009 |
| The Notice of Allegation | <p>On 24th, 24th June and 1st July 2009, the Statutory Committee of the Pharmaceutical Society of Northern Ireland met for the purpose of making Inquiry into the case alleging misconduct which called into question, his suitability to remain on the register The particulars of the said misconduct are set out below –</p> <ol style="list-style-type: none"> 1. That he was at the relevant time, and continue to be, a director of M&M McDaid Limited (hereinafter referred to as "the company"), a company which was, and continues to be, concerned with the provision of pharmaceutical services. The Company, with him as a director, engaged in a fraudulent activity directly related to the provision of those pharmaceutical services. 2. That the Company was convicted on 8th December 2008 of 9 charges of false accounting contrary to section 17(1)(a) of the Theft Act (Northern Ireland) 1969. 3. That the company of which he is a director, dishonestly submitted for payment prescription forms that were incorrectly coded so that a substantial loss was occasioned by the Western Health and Social Services Board and a corresponding gain was made by the company. This dishonest conduct continued for the period of time from January 2001 to December 2006. 4. That as a director of the said company, and as a registered pharmacist, he ought to have known that the company engaged in unlawful accounting practices as an intrinsic part of its business activity. 5. That he was, or allowed himself to be, associated with the running of a company that was engaged in unlawful accounting practices as an intrinsic part of its business activity. 6. That he took no or no adequate, steps to ensure that the company of which he was a director was operating lawfully. 7. That he took no, or no adequate, steps to ensure that the company of which he was a director was not engaged in financial irregularity and illegality as part of its core business activity as specified at 3 above. 8. That he failed to operate any, or any adequate, supervision and control over the affairs of the company to ensure that the business was operating lawfully and not engaged in the practices specified at 3 above. 9. That he failed to co-operate with a lawful investigation into the |

| | |
|---|--|
| | <p>business affairs of the company.</p> <p>10. He failed to comply with the following principles of the Pharmaceutical Society of Northern Ireland's Code of Ethics and Practice;</p> <p>9.1 Principle 1 – A pharmacist's prime concern must be for the welfare of both the patient and other members of the public.</p> <p>9.2. Principle 2 – A pharmacist must uphold the honour and dignity of the profession and not engage in any activity which may bring the profession into disrepute.</p> <p>9.3. Principle 3 - A pharmacist must at all times have regard to the laws and regulations applicable to a pharmaceutical practice and maintain a high standard of professional conduct. A pharmacist must avoid any act or omission which would impair confidence in the pharmaceutical profession. When a pharmaceutical service is provided, a pharmacist must ensure that it is efficient.</p> <p>9.4. Principle 9: A pharmacist must at all times endeavour to co-operate with professional colleagues and members of other health professions so that patients and the public may benefit.</p> <p>11. By his acts or omissions as director of the company concerned with the provision of pharmaceutical services which engaged in a fraudulent activity directly related to the provision of those pharmaceutical services, he has (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> |
| Determination | The Committee directed that his name should be removed from the register of pharmaceutical chemists and that any application that may be made for restoration to the register should not be made for at least five years'. |
| Time Scale for Enactment | Removal from the register is to be enacted on 2 nd October 2009, 3 months after the statutory notice of outcome, subject to any appeal process |
| 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 Andrew Thomson Mr Roy Junkin Ms Miriam Karp |
| Society Counsel | Mr John Paul Shields, instructed by Aaron Moore (Cleverer Fulton Rankin) |
| Registrant Counsel | M Jackie Simpson, instructed by Niall McSorley (Carson McDowell) |

**Clerk of
Committee**

Mr Brendan Kerr