

**THE COLLEGE OF PHARMACISTS OF  
BRITISH COLUMBIA**

BETWEEN:

The College of Pharmacists of British Columbia (the "College")

AND:

Dayton Cliff Sobool

**CITATION AND NOTICE OF HEARING**

To: Dayton Cliff Sobool



**TAKE NOTICE** that a hearing pursuant to sections 37 and 38 of the *Health Professions Act*, R.S.B.C. 1996, c. 183 (the "HPA") will take place at the location and time set out below (the "Hearing"), at which, pursuant to Parts 2.2 and 3 of the HPA and the *Pharmacy Operations and Drug Scheduling Act*, SBC 2003, c. 77 ("PODSA"), the Discipline Committee of the College will inquire into your conduct as a registrant.

The allegations arising from the investigations concerning your conduct as a registrant are as follows:

1. At all times material to the matters under investigation and at issue in the Hearing:
  - (a) you were a full pharmacist registrant of the College; and
  - (b) between August 2016 and March 10, 2017, you were employed as a locum pharmacist at Prescription Health Studio located in Kelowna, British Columbia (the "Pharmacy").

**Previous Investigation**

2. Between July 24, 2007 and November 20, 2010, you were employed as a pharmacist and pharmacy manager at Paragon Mission Centre Pharmacy (the "Paragon Pharmacy").
3. In or around January 2011, the College received a complaint from C [REDACTED] F [REDACTED] Director of Pharmacy Operations – BC, Paragon Pharmacies Limited, informing the College of practice and pharmacy management deficiencies discovered after you left Paragon Pharmacy (the "Paragon Complaint").

4. The Paragon Complaint raised concerns about narcotic inventory management, prescription documentation and dispensing.
5. The College investigation of the Paragon Pharmacy identified practice deficiencies in relation to the following areas:
  - (a) inventory management;
  - (b) dispensing medications without physician authorization;
  - (c) dispensing one or both of narcotics or controlled drugs without the approved prescription form and without obtaining the signature of the patient or the patient's representative;
  - (d) dispensing medication without proper documentation including dispensing medications without a proper prescription;
  - (e) failing to maintain accurate records in PharmaNet; and
  - (f) sending unprofessional emails and text messages.
6. On or about July 19, 2011, for the purpose of resolving the Paragon Complaint, you executed a Letter of Undertaking and agreed to the following undertakings:
  - (a) to review and understand the following Professional Practice Policies and adhere to these policies in your pharmacy practice and to provide a signed copy of the corresponding Declaration of Completion and Understanding forms ("Declaration Form") to the College within two weeks of signing the Letter of Undertaking:
    - (i) Professional Practice Policy #31 (Emergency Prescription Refills);
    - (ii) Professional Practice Policy #58 (Medication Management -Adapting a Prescription); and
    - (iii) Professional Practice Policy #65 (Narcotic Counts and Reconciliation);
  - (b) to take the online Methadone Maintenance Treatment (Professional Practice Policy #66) training session, and to provide a signed copy of the Declaration Form associated with the training session to the College within two weeks of signing the Letter of Undertaking;
  - (c) when the College's new Code of Ethics came into effect, to complete the associated training session within one month of its introduction, and to provide to the College the associated signed Declaration Form;

- (d) for a period of 12 months from the date you signed the Letter of Undertaking, to provide to the College a copy of your documented Narcotic Count and Reconciliations (as per Professional Practice Policy #65) every three months;
  - (e) for a period of 12 months from the date you signed the Letter of Undertaking, to not be a preceptor for pharmacy students or international pharmacy graduates;
  - (f) to always document your professional decision-making whenever you dispense without a prescriber's authorization, including the following documentation:
    - (i) rationale for dispensing without prescriber authorization;
    - (ii) acknowledgement of informed patient consent; and
    - (iii) the date the prescriber was notified and name of prescriber, if applicable;
  - (g) to always document the reasons and evidence for all prescription reversals made on PharmaNet on the back of one of both of the associated prescription or the hardcopy of that prescription;
  - (h) to provide evidence to the College of your successful completion of the College's Jurisprudence Examination within 12 months from the date you signed the Letter of Undertaking; and
  - (i) to write letters of apology to the recipients of your unprofessional email and text messages and provide those letters to the College within two weeks from the date you signed the Letter of Undertaking.
7. You also agreed to terms for the inspection and monitoring of your practice during the 12-month period after your signed the Letter of Undertaking, including at least two random, unannounced inspections at the pharmacy where you were working, and the ability of the College to request copies of prescriptions dispensed by you or to review your dispensing record on PharmaNet.

#### Current Investigation

8. On or about March 28, 2017, the College received a complaint from E [REDACTED] S [REDACTED] the owner of the Pharmacy, alleging that, during your time working as a locum at the Pharmacy, you were diverting medication and that you had missed required documentation with respect to 11 different prescriptions.

9. Based on its investigation of the complaint made by Ms. S [REDACTED] the College says that:

(a) on 7 separate occasions between September 2, 2016 and October 7, 2017 you provided, dispensed or sold narcotics included in the controlled prescription program without first obtaining a valid written prescription, as follows:

	Date (on or about)	Rx Number	Medication	Recipient
(i)	Sept. 2, 2016	[REDACTED]	80 PMS Hydromorphone 4 mg	[REDACTED]
(ii)	Sept. 20, 2016	[REDACTED]	60 Supeudol 10 mg	[REDACTED]
(iii)	Dec. 20, 2016	[REDACTED]	40 Supeudol 10 mg	[REDACTED]
(iv)	Jan. 20, 2017	[REDACTED]	30 Oxycodone 10 mg	[REDACTED]
(v)	Jan. 20, 2017	[REDACTED]	50 Dilaudid 4 mg	[REDACTED]
(vi)	Feb. 14, 2017	[REDACTED]	50 Dilaudid 4 mg	[REDACTED]
(vii)	Oct. 7, 2017	[REDACTED]	40 Supeudol 10 mg	[REDACTED]

(b) on 3 separate occasions between September 14, 2016 and January 3, 2017 you dispensed medications that are included in Schedule I of the *Drug Schedules Regulation*, B.C. Reg. 9/98, without first obtaining a valid prescription or making a written record of a verbal authorization, as follows:

	Date (on or about)	Rx Number	Medication	Recipient
(i)	Sept. 14, 2016	[REDACTED]	30 Ativan SL 1 mg	[REDACTED]
(ii)	Dec. 20, 2016	[REDACTED]	30 Ativan SL 1 mg	[REDACTED]
(iii)	Jan. 3, 2017	[REDACTED]	50 Apo-Diazepam 10 mg	[REDACTED]

### Breaches

10. The College says that under section 39(1) of the HPA and section 20 of PODSA:

(a) the conduct described in paragraph 9(a) constitutes one or more of

(i) a breach of Standards 1(d) and 7(d) of the HPA Bylaws Schedule A – Code of Ethics (the “Code of Ethics”), section 6(4) of the HPA Bylaws Schedule F, Part I – Community Pharmacy Standards of Practice (the “Standards of Practice”), what was then section 4(5)(a) and is now section 19(5)(a) and what was then section 4(6) and is now section 19(6) of the Pharmacy Operations and Drug Scheduling Act – Bylaws

(the "PODSA Bylaws"), and section 31 of the *Narcotic Control Regulations*, C.R.C., c. 1041;

- (ii) a failure to comply with a limit or condition previously imposed under the HPA;
  - (iii) unprofessional conduct; and
  - (iv) incompetent practice of pharmacy;
- (b) the conduct described in paragraph 9(b) constitutes one or more of
- (i) a breach of Standards 1(d) and 7(d) of the Code of Ethics, sections 6(4) and 6(7) of the Standards of Practice, and what was then section 4(5)(a) and is now section 19(5)(a) of the PODSA Bylaws;
  - (ii) a failure to comply with a limit or condition previously imposed under the HPA;
  - (iii) unprofessional conduct; and
  - (iv) incompetent practice of pharmacy.

**BE ADVISED that the Hearing will take place at the College office at 200-1765 West 8th Avenue, Vancouver, British Columbia starting at 9:30 am on May 27, 2020.**

You are entitled to be present at the Hearing and to be represented by counsel at your expense. A court reporter will be in attendance at the Hearing to transcribe the proceedings. The College will present its case to the panel of the College's Discipline Committee hearing this matter (the "Hearing Panel"). You will have the opportunity to hear the evidence against you and call evidence on your behalf, present argument, and cross examine any witnesses called by counsel for the College.

You must provide the College with notice of the evidence you intend to introduce at the Hearing at least 14 days before the Hearing date. That notice includes:

- (a) a list of the documents you intend to rely on, as well as, an opportunity to inspect those document prior to the Hearing date,
- (b) for expert testimony,
  - (i) the name and qualifications of the expert, and
  - (ii) a copy of any report written by the expert in respect of this matter, or

(iii) if the expert did not prepare a report, a written summary of what the expert will say at the Hearing, and

(c) for testimony by a witness who is not an expert, the witness' name and an outline of his or her anticipated evidence.

The College must provide you with the same notice of the evidence it intends to introduce at the Hearing.

The Hearing will be public unless you or a witness requests the Hearing to be held in private, and the Discipline Committee grants that request.

The Hearing is your sole opportunity to present evidence before the Hearing Panel and call witnesses in connection with the matter. **If you do not attend, the Hearing Panel may, upon proof of service of this Citation and Notice of Hearing, proceed with the Hearing in your absence.**

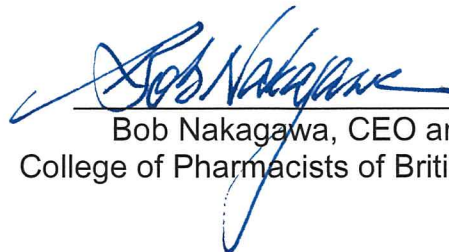
At the end of the Hearing, the Hearing Panel may take any of the actions specified in section 39 of the HPA.

Pursuant to section 37.1 of the HPA, you have a right to make a written proposal to the Inquiry Committee to resolve this matter by way of consent order.

Your only avenue of appeal of a decision of the Discipline Committee is to the Supreme Court of British Columbia as described in section 40 of the HPA.

A copy of the HPA, PODSA, the Pharmacists Regulation, B.C. Reg. 417/2008, the HPA Bylaws and the PODSA Bylaws are available on the College's website at [www.bcpharmacists.org](http://www.bcpharmacists.org).

Dated at Vancouver, British Columbia, this 24 day of February 2020.

  
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Bob Nakagawa, CEO and Registrar,  
College of Pharmacists of British Columbia