



**IN THE MATTER OF PART 6 OF THE PHARMACY ACT 2007**

**Mr. Michael Keenan MPSI (Registration No. 9511)**

Following the submission of a report of the Professional Conduct Committee, the Council, at its meeting on 25 June 2015, decided to cancel the registration<sup>1</sup> of Mr Michael Keenan MPSI in relation to the findings of Professional Misconduct and Poor Professional Performance made by the Professional Conduct Committee in its report which are set out in *Appendix 1* attached to this notice:

**The reasons for the Council decision were as follows:**

The Council was satisfied that cancellation was a proportionate sanction having regard to the gravity and cumulative effect of the conduct in question.

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<sup>1</sup> Such cancellation having been subsequently confirmed by the High Court pursuant to Section 52 of the Pharmacy Act 2007 on 19 October 2015.

## Appendix 1

### Findings:

1. On or about the 2<sup>nd</sup> July 2012 and/or 3<sup>rd</sup> July 2012 you prepared and/or made available for sale and/or supply 4 boxes of Zopiclone 7.5mgs tablets (brand name Zopitan) for a patient in circumstances where you knew or ought to have known that no prescription was or would be forthcoming.

**FINDING: PROFESSIONAL MISCONDUCT**

2. On or about 2<sup>nd</sup> July 2012 and/or 3<sup>rd</sup> July 2012 in circumstances where you prepared and/or made available for sale and/or supply 4 boxes of Zopiclone 7.5mgs tablets (brand name Zopitan) otherwise than in accordance with a prescription and in circumstances where you knew or ought to have known that no prescription was or would be forthcoming, you failed to have any or any due regard for the appropriateness of the medicine therapy for the patient and/or you failed to act in the best interest of the patient.

**FINDING: PROFESSIONAL MISCONDUCT**

3. You improperly assumed the role of a prescriber of prescription only medicines in supplying Zopiclone 7.5mgs to a patient on one or more occasions between October 2011 and June 2012 in circumstances where you were not a registered practitioner authorised to prescribe medicines.

**FINDING: PROFESSIONAL MISCONDUCT**

4. On one or more dates between October 2011 and June 2012 you sold and/or supplied Zopiclone 7.5mgs to a patient where you knew or ought to have known that no original prescription was or would be forthcoming and/or in so doing acted in breach of Regulation 5 and/or Regulation 7 and/or Regulation 8 of the Medicinal Products (Prescription and Control or Supply) Regulations 2003 (SI 540/2003) (as amended).

**FINDING: PROFESSIONAL MISCONDUCT**

5. On one or more dates between October 2011 and June 2012 you caused or permitted the supply of Zopiclone 7.5mgs to a patient where you knew or ought to have known that no prescription was or would be forthcoming and/or where you knew or ought to have known that this was not in the best interest of the patient and/or in so doing you failed to have any or any due regard for the appropriateness of the medicine therapy for the patient.

**FINDING: PROFESSIONAL MISCONDUCT**

6. Between October 2011 and June 2012 failed to maintain an adequate or proper controlled drugs register in respect of Methadone and/or in so doing acted in breach of regulation 10 of the Misuse of Drugs (Supervision of Prescription and Supply of Methadone) Regulations 1998 (SI 225/1998), and/or Regulation 16 of the Misuse of Drugs Regulations 1988 (SI 328/88) as amended and/or Regulation 12(1)(b) of the Regulation of Retail Pharmacy Business Regulations 2008 (SI 488/2008).

**FINDING: PROFESSIONAL MISCONDUCT**

7. Between October 2011 and June 2012 failed to maintain adequate or proper patient medication records in electronic form in relation to the dispensing of Methadone and/or in so doing acted in breach of Regulation 12(1)(c) of the Regulation of Retail Pharmacy Businesses Regulations SI 488/2008.

**FINDING: PROFESSIONAL MISCONDUCT**

8. Prior to July 2012 failed to maintain an adequate or proper Controlled Drugs Register and/or in so doing acted in breach of Regulation 16 of the Misuse of Drugs Regulations 1988 (SI328/88) as amended and/or Regulation 12 (1)(b) of the Regulation of Retail Pharmacy Businesses Regulations 2008 (SI 488/2008).

**FINDING: PROFESSIONAL MISCONDUCT**

9. Between October 2011 and June 2012 caused or permitted the dispensing of one of more of the following strengths of the prescription only medicine Zopiclone to patients otherwise than in accordance with a prescription and/or in so doing acted in breach of Regulation 5 and/or Regulation 7 of the Medicinal Products (Prescription and Control or Supply) Regulations 2003 (SI 540/2003) as amended, namely:

- Zopitan 3.75mg and/or
- Zimovane 7.5mg and/or
- Zopitan 7.5mg

**FINDING: PROFESSIONAL MISCONDUCT**

10. Between October 2011 and June 2012 caused or permitted the dispensing of one or more of the following prescription only medicines, being controlled drugs, to patients otherwise than in accordance with a prescription and/or in doing so acted in breach of Regulation 5 and/or Regulation 7 and/or Regulation 8 of the Medicinal Products (Prescription and Control or Supply) Regulations 2003 (SI 540/2003).(as amended) namely:

- Anxicalm 10mg and/or
- Anxicalm 5mg and/or
- Xanax 1mg and/or
- Xanax 0.5mg and/or
- Xanax 0.25mg and/or

**FINDING: PROFESSIONAL MISCONDUCT**

11. Between October 2011 and June 2012 caused or permitted one or more of the following medicinal products to remain unaccounted for namely:

- (a) Diazepam
  - i. Anxicalm/Valium 10mg tablets and/or
  - ii. Anxicalm 5mg tablets and/or
- (b) Zopiclone
  - iii. Zopitan 3.75mg tablets and/or
  - iv. Zimovane 7.5mg tablets and/or
  - v. Zopitan 7.5mg tablets and/or
- (c) Alprazolam
  - vi. Xanax 1mg tablets and/or
  - vii. Xanax 0.5mg tablets and/or
  - viii. Xanax 0.25mg tablets

taking into account the amount of each medicinal product received at the Pharmacy and the legitimate supply of each medical product from the pharmacy between October 2011 and June 2012.

**FINDING: PROFESSIONAL MISCONDUCT**

12. Failed to have any or any proper regard for the possible adverse consequences for patients of Valu Plus Pharmacy by supplying prescription only medication including controlled drugs without prescriptions.

**FINDING: PROFESSIONAL MISCONDUCT**

13. Failed to comply and/or properly comply with the standard operating procedures applicable in Valu Plus Pharmacy.

**FINDING: POOR PROFESSIONAL PERFORMANCE**