

Disciplinary Committee of the Royal Pharmaceutical Society of Great Britain

The Disciplinary Committee met on Monday 02 November 2009, Tuesday 03 November 2009, Wednesday 04 November 2009 and Friday 06 November 2009 and made the following directions:

1. On Monday 02 November 2009, the Disciplinary Committee found that the fitness to practise of Mr John Paul Shell ((Registration number: 80208) is impaired. The Committee directed, in accordance with article 52(3)(b) of the Pharmacists and Pharmacy Technicians Order 2007 ("the Order"), that Mr Shell be removed from the Register. The direction is not to take effect until expiration of a 28 day period from the date on which notice of removal was given to Mr Shell or in a case where an appeal has been brought against the direction, until the appeal is determined or withdrawn. The Committee also made an order for immediate suspension to cover the appeal period. The Committee also directed that, in accordance with Article 58(1)(b) of the Order Mr Shell's registration should be subject to an immediate suspension pending the coming into force of the removal.
2. On Tuesday 03 November 2009 and Wednesday 04 November 2009, the Disciplinary Committee found that the fitness to practise of Mr Malcolm Bernard Fagleman (Registration number: 70733) is impaired. The Committee adjourned further consideration of the case to a future date.
3. On Friday 06 November 2009, the Disciplinary Committee found that the fitness to practise of Mr Walter Mukungurutse (Registration number: 1084872) is impaired. The Committee directed, in accordance with Article 52(3)(d) of the Pharmacists and Pharmacy Technicians Order 2007 ("the Order"), that Mr Mukungurutse's registration in the Register of Pharmacists should be conditional on his compliance with the following requirements for a period of six months, namely that:
 - (i) he liaise and cooperate with the Society's Inspectorate and to provide them with a monthly schedule in advance of where he will be working over the next six months from the date of service of this determination and to provide the Society with the contact details of his employer, PCO and superintendent pharmacist at all his places of work over this period.
 - (ii) he notifies all employers (including the superintendent pharmacist or responsible pharmacist) or contractors; all prospective employers (including the superintendent pharmacist or responsible pharmacist) or contractors, agents acting on behalf of employers and locum agencies, whether for paid or voluntary employment for which registration with the Society is required (in the UK or elsewhere) of the conditions of this order. In the case of prospective employers, this notification must be given at the time of application.
 - (iii) he cooperates with three unannounced visits from a Society Inspector over a two-month period to premises where he is working as a pharmacist, these visits to be if possible to separate places of employment.
 - (iv) he cooperates with requests to view pharmacy records at his places of work to include error logs and any disciplinary records with a view to the Inspector establishing whether there are any problems with his work caused by the use of alcohol.

- (v) he allows the Society's Inspector to obtain information from his employers and work colleagues, and from any locum agency, primary care organisation or any other person or organisation for which he provides pharmaceutical services, as to whether any alcohol-related problems have been reported.
- (vi) he cooperates with the Society's Inspector in the preparation of a report for consideration by a medical examiner and the Disciplinary Committee at a subsequent review hearing.
- (vii) he agrees to be medically examined by a registered medical practitioner nominated by the Society who shall have available to him or her the report from the Inspector, produced after the visits referred to at (iii) above have been completed, and full details of the events concerning his conviction for drink driving on 4 May 2007. The medical examiner will consider and determine () if there are any alcohol-related problems.
- (viii) he completes and returns the medical examination consent forms to the Society within 14 days of receiving them from a Society case manager.

The order is subject to a review hearing before the end of six months from the date of service of the notice of the Committee's decision.

The direction is not to take effect until expiration of a 28 day period from the date on which notice of decision was given to Mr Mukungurutse or in a case where an appeal has been brought against the direction, until the appeal is determined or withdrawn. The Committee also made an order that his registration be conditional upon his compliance pending the coming into force of the direction with the conditions above.

Statutory Committees Secretariat