



IN THE MATTER OF PART 6 OF THE PHARMACY ACT 2007

Ms Marta Gomez de Valcarcel MPSI (Registration No.7834)

Following the submission of a report of the Professional Conduct Committee, the Council, at its meeting on the 17th October 2013, decided to censure and attach the following conditions¹ to the registration of Ms Marta Gomez de Valcarcel MPSI, Registration Number 7834, in relation to the finding of professional misconduct and findings of poor professional performance made by the Professional Conduct Committee in its report of the 20th September 2013 which are set out in *Appendix 1* attached to this notice: -

That conditions be attached to Ms Valcarcel's registration as a pharmacist as follows:-

- a) Ms Valcarcel shall promptly engage with a suitably qualified senior and experienced pharmacist to be nominated by the Registrar of the PSI for an assessment of her practice, to identify and address any deficits in her professional practice which may include deficits in pharmacy procedures with a particular focus on the circumstances giving rise to this complaint and with reference to the Core Competency Framework for Pharmacists approved by the Council of the PSI. The assessment will be conducted with a view to devising appropriate learning activities and assessment modalities, which may include specified educational courses, training or other means (ranging from workplace learning to formal assessed programmes) to facilitate the improvement of Ms Valcarcel's competence to practise. Ms Valcarcel must fully comply with all advice, guidance and recommendations of the nominated assessor, including the satisfactory completion of any specified courses or other learning activities. Ms Valcarcel shall authorise the assessor to report periodically to the Registrar on this assessment, to include progress on all learning activities recommended, undertaken and completed by Ms Valcarcel, concluding in the final report with an evaluation of Ms Valcarcel's overall compliance with this condition and confirmation that the deficits identified have been addressed.*
- b) That Ms Valcarcel shall not act as a supervising pharmacist or a superintendent pharmacist until such time as the Council informs her that it is satisfied that she has successfully completed the assessment provided for in condition a) above and has successfully addressed the deficits in her professional practice. This matter may be brought back before the Council either by the Registrar or Ms Valcarcel on notice to the other.*
- c) That Ms Valcarcel must discharge the costs associated with the implementation of and in compliance with these conditions.*

¹ Such conditions having been subsequently confirmed by the High Court pursuant to Section 52 of the Pharmacy Act 2007 on the 16th day of December 2013.

The reasons for the Council decision were as follows:

The Council considered that these were the most reasonable and proportionate sanctions having regard to the gravity of the allegations proven, all of the mitigating factors advanced on behalf of Ms Valcarcel, the protection of the public and sending the appropriate messages to the public and the profession.

Appendix 1:

Findings:

1. On the 22nd and/or 23rd July 2011 dispensed Keppra 100mg/ml oral solution at dosage of one 5ml spoonful twice daily for one week then two 5ml spoonfuls twice daily for Patient A (a minor) in circumstances where you knew, or ought to have known, that this was the incorrect dosage prescribed for the said patient, Patient A (a minor).

FINDING: Poor Professional Performance

2. On the 22nd and/or 23rd July 2011 caused or permitted the incorrect labelling of the medication prescribed for Patient A (a minor) otherwise than in accordance with her prescription in circumstances where the medication was labelled with instructions to take one 5ml spoonful twice daily of Keppra 100mg/ml for one week then two 5ml spoonfuls twice daily.

FINDING: Poor Professional Performance

3. On the 11th August 2011 dispensed Keppra 100mg/ml oral solution at a dosage of two 5ml spoonfuls twice daily for Patient A (a minor) in circumstances where you knew, or ought to have known, that this was the incorrect dosage prescribed for the said patient, Patient A (a minor).

FINDING: Poor Professional Performance

4. On the 11th August 2011 caused or permitted the incorrect labelling of the medication prescribed for Patient A (a minor) otherwise than in accordance with her prescription in circumstances where the medication was labelled with instructions to take two 5ml spoonfuls twice daily.

FINDING: Poor Professional Performance

5. On the 13th August 2011 when you were informed that you had supplied the incorrect dosage of Keppra 100mg/ml oral solution to Patient A (a minor) you failed to take appropriate action or to advise the parents or carers of Patient A (a minor) to seek appropriate medical advice.

FINDING: Professional Misconduct

6. On the 22nd and/or 23rd July 2011, failed to ensure that, prior to the dispensing of the prescription dated 22nd July 2011 and prior to the supply of the medicinal products concerned, a registered pharmacist reviewed each prescription having regard to the pharmaceutical and therapeutic appropriateness of the medicine therapy for the patient and/or in so doing failed to comply with the provisions of Regulation 9 of the Regulation of Retail Pharmacy Businesses Regulations 2008 (SI488/2008).

FINDING: Poor Professional Performance

7. On the 11th August 2011, failed to ensure that, prior to the dispensing of the prescription dated 22nd July 2011 and prior to the supply of the medicinal products concerned, a registered pharmacist reviewed each prescription having regard to the

pharmaceutical and therapeutic appropriateness of the medicine therapy for the patient and/or in so doing failed to comply with the provisions of Regulation 9 of the Regulation of Retail Pharmacy Businesses Regulations 2008 (SI488/2008).

FINDING: Poor Professional Performance

8. Failed to ensure that Patient A's mother, had sufficient information and advice for the proper use and storage of the prescribed medicinal product in accordance with her prescription dated 22nd July 2011 and/or in so doing, acted in breach of Regulation 9(3) of the Regulation of Retail Pharmacy Businesses Regulations 2008 (SI 488/2008).

FINDING: Poor Professional Performance