

Royal Pharmaceutical Society of Great Britain

Alert

Mr Samuel Edwin Ashby: D.O.B. 12.08.1945

Registration Number on the Register of Pharmaceutical Chemists 1045587

At a hearing before the Statutory Committee of the Royal Pharmaceutical Society of Great Britain which concluded on Wednesday, 25 October 2006, the above Pharmacist was found guilty of such misconduct as to render him unfit to have his name on the Register of Pharmaceutical Chemists and the Committee directed the Registrar to remove his name from the Register. Attached is a copy of the allegations which were found proved against Mr Ashby and a copy of the Committee's Determination.

Immediately following delivery of this Determination, Mr Ashby attacked a member of the Society's staff with an iron implement. Mr Ashby was arrested by the police and has been charged with causing actual bodily harm. His trial in the Crown Court is likely to take place later in 2007.

Mr Ashby has appealed against the Determination of the Statutory Committee. In accordance with Section 11 of the Pharmacy Act 1954, the removal of Mr Ashby's name from the Register will therefore not now take effect until the appeal has been determined or withdrawn.

Mr Ashby is therefore currently able to practice as a Pharmacist and may seek work in your area. The Society considers it is in the public interest for you to be aware of his conduct.

Royal Pharmaceutical Society of Great Britain

Allegations found proved against Mr Samuel Edwin Ashby by the Statutory Committee of the Royal Pharmaceutical Society of Great Britain at a Hearing which concluded on 25 October 2006

1. You first registered with the Society on 13th July 1998.

The Weymouth Pharmacy

2. Between August 2002 and 21st March 2003 you were employed as pharmacist manager at St John's Pharmacy, 24 Crescent Street, Weymouth, Dorset ('the Weymouth Pharmacy').
3. In or about November 2002 you told the manager of the Weymouth Pharmacy to 'piss off'.
4. In or about November 2002 you told a member of staff at the Weymouth Pharmacy to 'shut up' within the hearing of customers in the pharmacy.
5. In or about December 2002 you used phrases such as or similar to 'arrogant cow' and 'stupid bitch' to describe a customer to whom you had just been speaking and who had just left the Weymouth Pharmacy within the hearing of other customers in the pharmacy.
6. In or about early 2003 you removed a patient returned bottle of Polytar liquid from the Weymouth Pharmacy for your own use.
7. In or about early 2003 you removed a patient returned box of Semprex 8 mg tablets from the Weymouth Pharmacy for your own use.
8. In or about early 2003 you consumed some of the contents of a blister strip of Oxazepam 10 mg tablets which had not been prescribed for you.
9. In or about early 2003 you consumed some of the contents of a blister strip of Fluoxetine 20 mg capsules which had not been prescribed for you.

10. On or about 20th January 2003, in response to a prescription for a patient calling for 0.5% Hypromellose eye drops, you dispensed a bottle of 0.3% Hypromellose eye drops, labelled as 0.5% Hypromellose.
11. On or about 27th February 2003, in response to a prescription for a patient calling for 56 x Amiloride 5 mg tablets, you dispensed 2 x boxes of Amlodipine 5 mg tablets.
12. On or about 12th March 2003, in response to a prescription for a patient calling for 0.5% Hypromellose eye drops, you dispensed a bottle of 0.3% Hypromellose eye drops, labelled as 0.3% Hypromellose.
13. On or about 13th March 2003, in response to a prescription for a patient calling for 4 x bottles of Trusopt Eye Drops, you dispensed 1 x bottle of Trusopt Eye Drops and 3 x bottles of Cosopt Eye Drops, all labelled as Trusopt Eye Drops.
14. On or about 13th March 2003, in response to a prescription for a patient calling for 56 Temazepam 10 mg tablets, you dispensed 28 Temazepam 10 mg tablets, labelled as 56 Temazepam 10 mg tablets.
15. On or about 13th March 2003, in response to a prescription for a patient calling for Acarbose [Glucobay] 50 mg tablets, you dispensed 2 boxes of tablets labelled as 50 mg Acarbose, one box marked by the manufacturer as being 100 mg strength containing 100 mg tablets and one box marked by the manufacturer as being 50 mg strength but containing a mixture of 50 mg and 100 mg tablets.
16. On or about 20th March 2003 you falsely represented to the Practice Manager of the surgery from which the prescription referred to at paragraph 15 above had been issued that the Acarbose [Glucobay] tablets referred to in that paragraph had been dispensed by one member of the pharmacy staff and then checked by another prior to the supply of the medicine to the patient.
17. On or about 9th April 2003 you were advised by the Society's Inspector that your professional responsibility included being courteous.

The Hall Road, Norwich Pharmacy

18. Between 28th July 2003 and 31st July 2003 you were employed as on a locum basis as pharmacist manager at Moss Pharmacy, 78 Hall Road, Norwich ('the Hall Road, Norwich Pharmacy').
19. On or about 28th July 2003 you failed to assist Patient BA who (being away from home) rang the Hall Road, Norwich Pharmacy to request assistance in respect of an urgent need for One Touch Ultra Strips consequent upon a supply in error by the Hall Road, Norwich Pharmacy earlier in July 2003 of strips and lancets which were incompatible with Patient BA's blood glucose testing kit.
20. During your employment at the Hall Road, Norwich Pharmacy despite the advice you had received from the Society's Inspector as described in paragraph 17 above you were verbally abusive towards members of staff, on occasion using offensive language and on occasion in the presence of members of the public.

The Dereham Road, Norwich Pharmacy

21. In October 2003 you worked as a locum pharmacist at Moss Pharmacy at 562a Dereham Road, Norwich ('the Dereham Road, Norwich Pharmacy').
22. During the course of your employment at the Dereham Road, Norwich Pharmacy you were verbally abusive to the E Moss Limited Area Development Manager in that:-
 - (a) on 15th October 2003 you left a message on the manager's mobile telephone message service to the effect that you were not prepared to put up with him interfering with the Dereham Road, Norwich Pharmacy;
 - (b) on 20th October 2003 you informed the manager that he had no idea how to manage the Dereham Road, Norwich Pharmacy and that you could not accept that he should have any authority there at all.
23. On 20th October 2003 you made a telephone call to the Regional General Manager of E Moss Limited.

24. During the telephone call referred to at paragraph 23 above:-
- (a) you described the Area General Manager of E Moss Limited as a fool and an idiot;
 - (b) you described one of the female members of staff at the Dereham Road, Norwich Pharmacy, one MB, as a bitch.
25. On 1st June 2005 you made a telephone call to one of the Royal Pharmaceutical Society's Inspectors and left a message on the inspector's telephone message service.
26. During the telephone call referred to at paragraph 25 above:-
- (a) you were aggressive, used offensive language and were verbally abusive;
 - (b) you claimed that you had heard of another problem with 'that Bridlington shop' and advised that an inspector should attend that shop to find out what was going on.
27. On 1st June 2005 you made a telephone call to the Royal Pharmaceutical Society of Great Britain.
28. During the telephone call referred to at paragraph 27 above:-
- (a) you were aggressive, used offensive language and were verbally abusive to the Pharmacist Adviser who took the call;
 - (b) you stated that you wanted an inspector to attend the Moss Pharmacy in Bridlington because the pharmacist there needed help.
29. Despite the terms of the telephone message and call referred to at paragraphs 26(b) and 28(b) above, inquiries by an inspector of the Royal Society of Great Britain failed to reveal any problem of the type described at the Moss Pharmacy in Bridlington.

30. You behaved as set out in paragraphs 22 to 28 above despite the advice you had received from the Society's Inspector in April 2003 as described in paragraph 17 above.

The Llandridod Wells Pharmacy

31. Between 4th August 2003 and 30th August 2003 (but not on 12th August 2003) you were employed as the pharmacist in charge of the Moss Pharmacy in Temple Street, Llandridod Wells, Powys ('the Llandridod Wells Pharmacy').
32. On or about 6th August 2003 you supplied Patient MM with 50 ml of Methadone Mixture 1 mg/1 ml otherwise than in accordance with a prescription issued by an appropriate practitioner.
33. On or about 7th August 2003 you supplied Patient MM with 50 ml of Methadone Mixture 1 mg/1 ml otherwise than in accordance with a prescription issued by an appropriate practitioner.
34. On or about 8th August 2003 you supplied Patient MB with 50 Pethidine 50 mg tablets otherwise than in accordance with a prescription issued by an appropriate practitioner.
35. On or about 13th August 2003 you supplied Patient MM with 50 ml of Methadone Mixture 1 mg/1 ml otherwise than in accordance with a prescription issued by an appropriate practitioner.
36. When interviewed by inspectors of the Royal Pharmaceutical Society of Great Britain on 28th April 2005 you admitted that you had not read the Code of Ethics.

The Bridlington Pharmacy

37. During November 2003 you were employed as a locum pharmacist at Alliance Pharmacy, 122 Quay Road, Bridlington, Yorkshire ('the Bridlington Pharmacy').
38. On or about 20th November 2003 you physically assaulted a member of the staff employed at the Bridlington Pharmacy.

39. Between September and November 2005 you failed to co-operate with an investigation by an inspector employed by the Royal Pharmaceutical Society of Great Britain into the matter described at paragraph 38 above, in that:-

(a) you failed to respond to a letter sent to you by the inspector on 21st September 2005 addressed to the address at which you were registered with the Society, namely 11 Hughenden Court, Mount Pleasant Road, Hastings, East Sussex TN34 3ST (this letter, which required your signature for delivery, was returned to the Society as undelivered);

(b) during a telephone conversation on or about 4th November 2005 you informed the Society's inspector that correspondence to which a reply was required should be sent to the address set out at (a) above and provided no alternative address;

(c) you failed to respond to a further letter sent to you by the inspector on or about 4th November 2005 to the address set out at (a) above (this letter was returned to the Society marked 'Address gone; Moved' approximately 5 days after it had been posted to you);

(d) you failed to respond when a copy of the inspector's letter of 21st September 2005 was forwarded to you by a third party on 30th November 2005;

(e) you have still made no response to the inspector's letter of 21st September 2005.

In summary, the Society's Council alleges that:-

In relation to your employment as Pharmacy Manager at the Weymouth Pharmacy:

The dispensing errors for which you are responsible as set out at paragraphs 10 to 15 above

Your unprofessional behaviour towards members of staff at the Weymouth Pharmacy on occasion in the presence of customers of the pharmacy as set out at paragraphs 3 to 5 above

The false representation you made to the Surgery Practice Manager as set out at paragraph 16 above

Your removal of patient returned medicines from the Weymouth Pharmacy for your own use as set out at paragraphs 6 to 7 above

Your use of medicines which had not been prescribed for you as set out at paragraphs 8 to 9 above

In relation to your employment at the Hall Road, Norwich Pharmacy and Dereham Road, Norwich Pharmacy:

Your failure to assist Patient BA as set out at paragraph 19 above

Your behaviour towards and in relation to members of staff at the Hall Road Norwich Pharmacy (on occasion within the hearing of members of the public) as set out at paragraph 20 above

Your behaviour towards the Area Development Manager and the Regional General Manager of E Moss Limited as set out at paragraphs 22 to 24 and 30 above

Your behaviour towards the Inspector and Pharmacist Adviser of the Royal Pharmaceutical Society of Great Britain; as set out at paragraphs 25 to 28 and 30 above

Your wasting of the time of the Society's inspector and of the resources of the Society by way of the claims you made about the Moss Pharmacy in Bridlington as set out at paragraph 29 above **[NOT FOUND PROVED]**

In relation to your employment as pharmacist in charge at the Llandridod Wells Pharmacy:

Your dispensing of medicinal products otherwise than in accordance with a prescription as set out at paragraphs 32 to 35 above

Your failure to read the Code of Ethics as set out in paragraph 36 above

In relation to your employment at the Bridlington Pharmacy:

Your behaviour towards the member of staff at the Bridlington Pharmacy as set out in paragraph 38 above

Your failure to co-operate with the Society's investigation into that behaviour as set out at paragraph 39 above

Individually or cumulatively may demonstrate that you have been guilty of such misconduct as to render you unfit to have your name on the Register of Pharmaceutical Chemists.

THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

STATUTORY COMMITTEE

Wednesday 25 October 2006

1, Lambeth High Street,
London, SE1 7JN

Chairman – Lord Fraser of Carmyllie QC

Case of:

ASHBY, Samuel Edwin

DETERMINATION

Transcript of the shorthand notes of T A Reed & Co
Tel No: 01992 465900

T A REED & CO

THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

STATUTORY COMMITTEE

Wednesday 25 October 2006

Chairman – Lord Fraser of Carmyllie QC

Panel Members:

Dr D N John FRPharmS
Professor K Khan MRPharmS
Lady R Moore BA (Hons) JP
Mr W Rucker FRPharmS

Case of

ASHBY, Samuel Edwin

Mr David Bradly of counsel, instructed by Messrs Field Fisher Waterhouse,
represented the Society.

Mr Graham Southall-Edwards represented Mr Ashby, who was present on 25
October 2006.

Neither Mr Southall-Edwards nor Mr Bradly were present on 25 October 2006.

INDEX

Page No.

DETERMINATION

A THE CHAIRMAN: This is a complaint by the Royal Pharmaceutical Society of
Great Britain against Mr Samuel Edwin Ashby. He first registered with the Society
in July 1998. He comes from farming stock in Australia, fine people generally
B imbued with a robust good sense.

Mr Ashby was acting in various capacities when his conduct as a pharmacist was
called into question. In the St John's Pharmacy at Weymouth, he was employed as a
C pharmacist manager; in the two Moss pharmacies in Norwich he was employed in a
locum capacity; at Llandrindrod Wells, in the pharmacy owned by Moss Pharmacy,
he was employed as the pharmacist in charge. In November 2003 he was employed
D by the Alliance Pharmacy in Bridlington, Yorkshire on a locum basis.

The case was heard before us over four days – which we regard as verging on the
excessive, although there were problems about getting all the witnesses in front of
E us – when in fact only one matter of fact, to which I shall turn, was disputed, namely
the allegation of assault.

F The complaints about his acting in Weymouth are set out in paragraphs 2 to 16 of the
Notice of Inquiry. They cover his rudeness to other members of staff and about a
customer, his removal of patient returns for his own use, his consumption of
G medicines which had not been prescribed for him, a number of dispensing errors
detailed in paragraphs 10 to 15 and a false representation to the practice manager of
the GP's surgery. Although they have been described and remain described as
dispensing errors, in fact one of the errors that is mentioned was picked up before
H prescription left the premises. In such circumstances that might be regarded as open to

A question whether in fact there had been a dispensing error or not. However, as Mr Ashby had completed all he had to do we have treated it as a dispensing error.

B As Mr Southall-Edwards indicated on his behalf (D4/64 of the transcript), Mr Ashby admits all the dispensing errors and only sought to excuse them on the basis that they would have not been that bad, “If I had not had to suffer the abuse and disrespect for weeks and weeks and weeks of trying to implement good standards”. That is a direct
C quote from him on D4/10 of the transcript.

D It is less clear what he is saying about the false representation to the practice manager, Miss Tina Carter, about dispensing and checking. Miss Carter gave her evidence briefly in an uncomplicated way. Mr Ashby seemed to be saying in this answer to Mr Bradley at D4/10, “At that stage I did not believe it was a lie.”

E This less than satisfactory version does not square with the challenge made by Mrs Manders on D1/26 of the transcript. We prefer the accounts of Miss Turner, Miss Carter and Mrs Manders. We concluded that Mr Ashby had deliberately lied
F and was indifferent to the truth in making his statement to Miss Carter.

G Mr Ashby knew perfectly well that patient returns were not to be removed but, nevertheless, this is precisely what he did.

H The paragraph sets out the abusive language Mr Ashby used about a customer who had just left the premises. As we understand the situation, he claimed he would have said no such thing. However there is a compelling piece of evidence from

A Mrs Lambert (D1/35) to the effect that one of the members of the public who had overheard this abuse had promised he would not cause any trouble.

B In our view, Mr Ashby's conduct in this pharmacy in Weymouth was wholly unacceptable. He had neither the right nor good reason to be abusive to the manager or the staff or about customers, but – and I shall go on to narrate – he not only ignored the good advice about being courteous as part of his professional responsibility,
C received from the Royal Pharmaceutical Society Inspector, arguably, subsequent to that advice, his conduct deteriorated further.

D The next part of the complaint against him relates to the pharmacy at Hall Road Norwich. Paragraph 19 narrates that an error had been made by someone else about a patient who was a diabetic. Mr Ashby declined to help even though a simple phone call to his Area Development Manager, Mr Davies, could have resolved matters.

E Mr Ashby appeared indifferent to this patient's plight. We heard evidence subsequently, not only from Mr Davies but also from Patient BA. The Notice of Inquiry describes this, in summary, as a failure to assist. It certainly was that but, as
F Patient BA told us, he was so taken aback by Mr Ashby's response, that he would not use the pharmacy again.

G So, Mr Ashby not only failed to act in the interest of a patient as his Key Responsibilities require, and a diabetic one at that, but in terms of those Key Responsibilities he behaved in such a way that it brought the profession into disrepute and undermined public confidence in the profession.

H

A | Although only weeks before he had been told to be courteous while at this pharmacy, he reduced the staff to tears with his language. I refer to page 74 of the transcript of interview to be found at D1/14-15 of the transcript. We find both heads established.

B | His conduct did not much improve at another Moss Pharmacy in Norwich. We are not over vexed that he left a message with Mr Davies telling him not to interfere and later told him he did not know how to run a pharmacy. We have little doubt
C | that that is commonly the practice between people working in similar organisations, where one is answerable to the other, but it is unacceptable for a professional to be rude about Mr Davies and to call a member of his staff “a bitch” twice in the course of
D | a conversation with the Regional General Manager, Mr Standerwick.

Mr Ashby then came to the attention of the Royal Pharmaceutical Society when he was in Wales acting briefly as a pharmacist in charge. On three occasions he supplied
E | methadone without the authority of a valid prescription and on another occasion he supplied another patient with Pethidine, similarly, without a valid prescription. The only explanation given for this was that there appears to have been something of an
F | undignified spat on a single occasion about a microwave with another member of staff whose conduct Mr Ashby described to us as being that of “severe intimidation”.

G | The medicines to which I have referred are not only prescription only medicines but are controlled drugs with their own far tighter regime. We cannot wholly decide whether Mr Ashby was being just cavalier with Inspectors who interviewed him later when he said he had not read the Code of Ethics or whether that was exactly the case.

H |

A | Our view is that the latter is more likely, as in evidence before us on D4/1 Mr Ashby repeated that he had not read the Code of Ethics, but followed only his own ethics.

B | Finally I turn to the incident at the Bridlington Pharmacy. There it is alleged that he physically assaulted a member of staff. It is hotly disputed by Mr Ashby that it did not amount to an assault, although there was no doubt that there was some physical contact between him and a member of staff over the use of a peg. We are more
C | inclined to favour Lyn Price's version but, in any event, we agree that his behaviour towards her was unacceptable. It was a petty dispute and, far from seeking to defuse the situation, he exacerbated it.

D | At paragraph 39 when a Royal Pharmaceutical Society Inspector had to investigate this alleged assault, he showed absolutely no cooperation with the Society and, as
E | paragraph 39 spells out in some detail, he did not respond to what had been requested of him by the Society and by the Inspector.

F | The Statutory Committee finds the Royal Pharmaceutical Society's allegations, as summarised, established with the exception of the wasting of the time of an Inspector (I refer to paragraph 29). That is simply because we are not satisfied that we know enough of that matter to come to a conclusion one way or the other, although it is
G | certainly clear that the Inspector's investigation failed to reveal any problem at Bridlington.

H | Our conclusion is that Mr Ashby's behaviour amounts to such misconduct as to render him unfit to be on the register.

A

Subsequent to arriving at that decision, we have seen the note of mitigation put forward on his behalf by Mr Southall-Edwards and have considered it very carefully.

B

However we find nothing in it which would amount to mitigation to cause us not to direct the removal of his name from the register.

C

The note which has been put before us by Mr Southall-Edwards talks about a “possible disorder of the mind”. We had no evidence to that effect, although we did hear of him give evidence for a day and half. In our view, Mr Ashby was high on self importance and self pity but low on inter-personal skills. At times his evidence was muddled, contradictory and self seeking. It is difficult to resist the conclusion that he had no interest but to make life as difficult as possible for the Royal Pharmaceutical Society.

D

E

Accordingly, our direction is that his name should be removed from the register of pharmaceutical chemists.

F

Approved as amended by Lord Fraser of Carmyllie QC on 29 October 2006

G

H