

**THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN**

**STATUTORY COMMITTEE**

Wednesday 24<sup>th</sup> January 2007

1, Lambeth High Street,  
London, SE1 7JN

Chairman – Lord Fraser of Carmyllie QC

Case of:

**MISTRY, Ramanlal Ambaram  
MISTRY PHARMACY LTD**

**Determination**

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

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**T A REED & CO**

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Chairman – Lord Fraser of Carmyllie QC

Committee Members:

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

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A

THE COMMITTEE SECRETARY: The Statutory Committee will deliver its determination of the inquiry into Mr Mistry and Mistry Pharmacy Limited.

Determination

B

THE CHAIRMAN: The complaint against Mr Mistry and his company have come from the Council of the Royal Pharmaceutical Society. He was first registered in June 1982 and since February 2000 he has been a director and shareholder of Mistry Pharmacy Ltd, along with his wife. From 5<sup>th</sup> July 2005, he was appointed superintendent pharmacist of the company.

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What is alleged in relation first to three patients is that there were a number of dispensing errors. These are set out in allegations from paragraph 6 to 15. In relation to the first, it is alleged, as is explained in the Notice of Inquiry, that on or about 9<sup>th</sup> September 2004, in response to a prescription for a patient dated 7<sup>th</sup> September 2004, calling for 28 Amitriptyline Hydrochloride 25mg tablets, with a direction one at lunch, he dispensed a manufacturer's box of a of Atenolol 25mg labelled as 28 Amitriptyline 25mg, one to be taken at lunch. As is explained in the Notice of Inquiry, Amitriptyline is an antidepressant; Atenolol is a beta-adrenoceptor blocking drug and obviously quite different in make up.

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We had evidence from that patient which is to be found at pages 32 to 35 of the transcript. He explained that he is in chronic pain and how he discovered the error. His wife's evidence was agreed and read to the Committee.

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The second allegation is set out in paragraph 10 to 11 and it is alleged that on 16<sup>th</sup> November 2004, in response to a prescription dated 11<sup>th</sup> November calling for Tolterodine Tartrate MR capsules, 4mg, with a label one to be taken daily, he dispensed instead an unknown quantity of Doxazosin XL labelled as Tolterodine 4mg MR. As is explained in paragraph 11, Tolterodine is a drug used in neurological pain; Doxazosin is an

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Alpha-adrenoceptor blocking drug. At interview Mr Mistry admitted that he had been the pharmacist on duty at the relevant time.

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The third alleged error is set out in paragraphs 13 and 14, where it is alleged that on 14<sup>th</sup> May 2004, in response to a prescription for a patient dated 12<sup>th</sup> May 2004, calling for Lisinopril tablets with a direction to take one daily he dispensed instead 28 Ramipril 5mg

A capsules, labelled as 28 Lisinopril 5mg tablets. Lisinopril and Ramipril are different drugs, both affecting the renin-angiotensin system.

B The next matter relates to patient returns. What happened was an employee of the company of Mr and Mrs Mistry, a Mr Matthew Hayes, who has subsequently changed his name by deed poll to Powell, gave evidence to this and spoke to his two statements. This was admitted at interview by Mr Mistry on 7<sup>th</sup> July 2005.

C Finally, although the pharmacy business was run through the medium of a limited company, namely Mistry Pharmacies Limited, from February 2000 when it was first set up, no superintendent pharmacist was appointed until July 2005. I was concerned that this absence of a superintendent pharmacist did not reflect particularly well on the Society, but it was undisputed fact that in October 2003 and July 2004, the Royal Pharmaceutical Society had written to the company reminding the company of that obligation. Furthermore, as is set out D in paragraph 27 of the Notice of Inquiry, at interview with Mr Gascoigne and Mrs Williams Mr Mistry indicated that he was aware of the requirement to inform the Society of the appointment of its superintendent and he also accepted that it had been his responsibility to nominate a superintendent pharmacist.

E The summary of allegations against Mr Mistry is to be found at paragraph 27 of the Notice of Inquiry. Quite apart from the various admissions to the Royal Pharmaceutical Society Inspectors to which I have referred, we were provided with a bundle on behalf of Mr Mistry in which he unequivocally admits the dispensing errors. He also admitted that he caused or F permitted medicines which had previously been dispensed to be returned to dispensary stock. He had of course admitted as much to inspectors, as I have indicated, on 7<sup>th</sup> July 2005. I refer again to paragraph 22. As we understand it, the only significant factual dispute relating to the medicines dispensed by other pharmacies. There was a dispute between Mr Mistry and G his wife on the one hand denying that this ever happened and Mr Hayes (or Mr Powell) on the other. I would make particular reference to page 43 of the transcript of the evidence, at which point Mr Powell had this to say: "Mrs Mistry told me to look inside the packs and cut off any parts of the blister-strips where tablets had been pushed out. She showed me how to remove the label carefully, so as not to damage the pack. I remember that some of the H medicines had labels showing they had been dispensed by other pharmacies." Mr Giret said to him, "Mr Powell, those things that you refer to are simply untrue." He replied, "No, they

A are true.” Q. “They are not true. Mrs Mistry never showed you or invited you to do any of the things that you say she did.” He replied, “They are true because I remember specifically. I commented to her that the labels from the other pharmacies were more difficult to remove. I specifically remember one of the pharmacies was from Ponders Chemist in Winsford.”

B It is clear that there was not the best of blood between Mr Powell and the Mistrys. He had taken them to an Employment Tribunal and made a complaint to the Royal Pharmaceutical Society about Mr Mistry. We had little hesitation in preferring the evidence of Mr Powell and finding the allegations at paragraphs 16 to 21 proved. No specific mention is made of patient returns from other pharmacies; only patient returns, in broad fashion, are specified.  
C As I understand it, all pharmacies accept patient returns, regardless of the dispensing origin.

We find all the matters in the Notice of Inquiry established in so far as they are not admitted. As I pointed out, in large respect, with the exception of this one factual matter, everything  
D appearing appears to be agreed. We must then conclude that Mr Mistry is guilty of such misconduct as to render him unfit to be on the Register.

At this point, we had to pause to consider whether we should give such direction. Regrettably we conclude that we have no option but to give that direction. There have been  
E blatant dispensing errors, patient returns have been returned to dispensary stock and he failed to advise the Royal Pharmaceutical Society for nearly five years of who was the superintendent pharmacist. This last requirement is not a quirk of the Royal Pharmaceutical Society, but, as Mr Mistry knew, or ought to have known, it is a requirement at law that such  
F a superintendent pharmacist be appointed.

He has got a set of good references, but having regard to what was said in Bolton, we do not regard them as such as to cause us to restrict our sanction to that of a reprimand. We accordingly direct his removal from the Register.

G For reasons that emerged through my exchanges from Mr Bradley, so far as the company is concerned there will be no further action. If we are to apply a sanction against the company other than the limited circumstances relating to the state of the premises as I have indicated previously, I would be pleased to have it explained to me what this achieves, other than  
H benefitting lawyers.

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I conclude by saying that Mr Mistry is legally advised by Turner and Debenhams. He has a right of appeal against our decision. I would suggest that he takes that legal advice if he wants to. We will now adjourn.

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**Approved as amended by Lord Fraser of Carmyllie QC on 27 January 2007**

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