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Australian Health Practitioner Regulation Agency

## Pharmacist reprimanded, registration cancelled and disqualified for professional misconduct

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11 December 2014

The State Administrative Tribunal of Western Australia has reprimanded Mr Frank Balestra, cancelled his registration as a pharmacist and disqualified him from applying for registration for 30 years.

The Pharmacy Board of Australia referred the matter to the tribunal in April 2013, after an investigation that followed a referral from the Medical Board of Australia.

The Medical Board of Australia alleged Mr Balestra had dispensed approximately 100,000 items of anabolic androgenic steroids, stimulants, human growth hormone and clomiphene (a fertility medicine) to patients for non-therapeutic purposes since 1 January 2006.

At the tribunal hearing, Mr Balestra admitted to professional misconduct by dispensing drugs for non-therapeutic reasons, despite knowing the risks of doing so.

Mr Balestra admitted that he:

- dispensed clomiphene to male patients when he knew that the medical practitioners who had written the original prescriptions didn't have authority under the *Poisons Regulations 1965 (WA)* to do so
- dispensed anabolic androgenic steroids, stimulants and human growth hormone to patients:
  - for purposes he knew didn't accord with recognised therapeutic standards, and
  - in quantities and combinations which created a real and substantial risk of known adverse effects, and a real risk of on-selling to others and similarly adverse effects in the purchasers or recipients of those drugs.

In making its decision, the tribunal considered the scale and period of time over which Mr Balestra's conduct occurred, and found that Mr Balestra:

- demonstrated a lack of insight by continuing to dispense drugs even after the tribunal proceedings had begun
- was motivated by the lucrative nature of improperly dispensing the drugs
- continued dispensing to patients even though he knew the patients were suffering from adverse effects of other drugs, and/or were 'doctor shopping'
- on occasions dispensed more medication than the prescribed quantity
- dispensed drugs using prescriptions that he knew were written by medical practitioners who weren't consulting the patients 'in person', and/or were incomplete
- held his pharmacy out as being able to dispense anabolic androgenic steroids to prospective customers who were interested or engaged in body building.

The tribunal found Mr Balestra had engaged in professional misconduct.

His registration as a pharmacist was cancelled from 9 January 2015, and he was disqualified from applying for re-registration for 30 years.

Australian Health Practitioner Regulation Agency

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Mr Balestra is banned from dispensing any of the drugs in question, pending the cancellation of his registration.

The reasons for the decision are on the [tribunal website](#).

**For more information**

- For registration enquiries: 1300 419 495 (within Australia) +61 3 8708 9001 (overseas callers)
- For media enquiries: (03) 8708 9200