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Australian Health Practitioner Regulation Agency

Tribunal reprimands practitioner for unprofessional conduct

10 March, 2015

The Queensland Civil and Administrative Tribunal has reprimanded pharmacist Mr Brian McAllan and found he had engaged in unprofessional conduct.

The matter dates back to March 2012 when AHPRA received a notification from the Drugs of Dependence Unit, Queensland Health, advising that Queensland Health had suspended Mr McAllan's endorsement to deal with schedule 4 drugs and schedule 2 and 3 poisons containing pseudoephedrine (PSE) for six months.

In November 2012, the Immediate Action Committee of the Pharmacy Board of Australia took immediate action and imposed conditions on Mr McAllan's registration, requiring him to undergo six months of mentoring. These conditions were lifted in November 2013 because he had complied with them.

The Board has the power to take immediate action as an interim step to manage serious risk to the health and safety of the public, pending other inquiries.

After an investigation, the Board referred Mr McAllan to the tribunal. In its submission, the Board alleged that Mr McAllan had engaged in professional misconduct or unprofessional conduct under the National Law, and had breached the *Health (Drugs and Poisons) Regulation 1996* (Qld) by:

- dispensing PSE in breach of the pharmacy's quality standard and
- dispensing PSE without satisfying himself of a genuine therapeutic need, and
- failing to record sales of PSE.

The Board also started separate disciplinary proceedings against Antonio Ciriello, the owner of the pharmacy where Mr McAllan worked, and pharmacist Robert Louis, who worked at the pharmacy.

Mr McAllan conceded that the Board had proven the allegations, and admitted that his conduct amounted to unprofessional conduct under the National Law.

The tribunal found that Mr McAllan had engaged in unprofessional conduct. It reprimanded him and ordered him to pay the Board's costs. The tribunal noted that it would have considered imposing conditions on Mr McAllan's registration, had he not already been subject to conditions by way of the immediate action process.

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

For more information

Australian Health Practitioner Regulation Agency

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