

Summary of Court of Appeal decision setting aside Adjudication Tribunal decision.

On February 28, 2018, an Adjudication Tribunal of the Newfoundland and Labrador Pharmacy Board (NLPB) found registrant Beverley Vey guilty of conduct deserving of sanction under section 12(o) of the *Pharmacy Regulations, 2014* for refusing to participate in a practice site assessment conducted by an NLPB-appointed assessor pursuant to the NLPB's quality assurance program established under Part VI of the *Pharmacy Act, 2012 (Act)*.

Ms. Vey appealed the decision of the Adjudication Tribunal to the Supreme Court of Newfoundland and Labrador. On May 27, 2019, the Supreme Court upheld the Adjudication Tribunal's decision, determining that the NLPB had the authority to appoint an assessor to conduct practice site assessments under Part VI of the Act as per its ongoing process.

On May 11, 2021, the Adjudication Tribunal imposed a sanctions order on Ms. Vey. However, the sanctions were not immediately applied as Ms. Vey appealed the Supreme Court's decision to the Court of Appeal of Newfoundland and Labrador.

On October 2, 2022, the Court of Appeal set aside the decision of the Adjudication Tribunal. The Court of Appeal concluded that only the Quality Assurance Committee appointed by the NLPB as defined in the Act has the authority to appoint an assessor to conduct an assessment under the quality assurance program, and that the Act does not give NLPB itself that authority. The Court of Appeal ordered the NLPB to pay Ms. Vey's costs in the Supreme Court and Court of Appeal, and the Adjudication Tribunal's sanctions are no longer applicable.

The Supreme Court and Court of Appeal decisions can be viewed here:

[Supreme Court Decision](#)

[Court of Appeal Decision](#)