



Report of the Professional Conduct Committee (“ the PCC or the Committee”) to the Council of the Pharmaceutical Society of Ireland in relation to a complaint made pursuant to Part 6 of the Pharmacy Act 2007 (“ the Act”).

RE: Michael Gallagher Pharmacy Limited
Dated: 27th August 2025

Introduction - Summary Details

Registered Pharmacy:	Michael Gallagher Pharmacy Limited
Pharmacy Registration Number:	5453
Complaint Reference(s):	547.2020
Date of Inquiry:	8 and 9 April 2025
Public/Private Hearing:	Public
Meeting Format:	In person: PSI House, Fenian Street, D2
Members of Committee:	Mr Mark Kane - Chair Ms Deirdre Butler MPSI Ms Valerie Bowens
Legal Assessor:	Ms Lorna Lynch SC
Appearances:	
For the Registrar:	Ms Caoimhe Daly BL Mr Kevin Kelly BL Ms Aisling Ray, Fieldfisher LLP Mr Liam Og Beausang
In Attendance from the PSI:	Ciaran Lyng, Solicitor, PSI Clara O'Reilly, Regulatory Executive, PSI
For the Registrant:	Mr Michael Lanigan, Poe Kiely Hogan Lanigan Solicitors
Registrant in attendance:	Yes
Witnesses (if applicable):	Mr Shane McGlynn, Authorised Officer, PSI Mr Ronan Quirke, expert witness on behalf of Registrar.
Other Attendees:	Deirdre O'Malley, D. O'Malley Stenography.

1. Subject Matter of the Complaint and Proceedings

This is a complaint of the Registrar of PSI in respect of Michael Gallagher Pharmacy Limited (Registration number 5453) (“the Pharmacy”). The complaint was referred by the Preliminary Proceedings Committee (‘PCC’) on 25 June 2020 to this Committee on the grounds of the circumstances set out in Section 36(1)(b) of the Pharmacy Act 2007.

2. Applications

Ms Daly BL appearing on behalf of the Registrar made a preliminary application to amend the Notice of Inquiry on consent to refer to the date period in each allegation as 1 January 2017 as opposed to 1 July 2017. Mr Lanigan confirmed that the Registrant had no objection to the amendments and the Committee allowed the amendments.

3. Allegations

The allegations against the Pharmacy as set out in the Notice of Inquiry dated 26 November 2024 and as amended on consent on 8 April 2025 are:

1. That Michael Gallagher MPSI, being an employee and/or pharmacy owner of Michael Gallagher Pharmacy Limited trading as Gallagher’s Pharmacy, 29 Barronstrand Street, Waterford City, Co Waterford (hereinafter “**the Pharmacy**”):
 - a) Caused and/or permitted the quantity, as specified in **Column D** of **Appendix A**, of the medications, including prescription only medications and/or controlled drugs, as specified in **Column A** of **Appendix A**, to be and/or to remain unaccounted for in the Pharmacy for the period 1 January 2017 to 24 July 2019; and/or
 - b) On one or more dates between 1 January 2017 and 24 July 2019 caused and/or permitted and/or facilitated unauthorised persons entry into the dispensary and/or storage area of the Pharmacy in circumstances where it was inappropriate to do so and is contrary to legislative requirements; *and/or*
 - c) On or between 1 January 2017 and 24 July 2019 failed to ensure, adequately or at all, that medications were stored securely within the Pharmacy contrary to contrary legislative requirements; and/or
2. That Michael Gallagher Pharmacy Limited, being a pharmacy owner of the Pharmacy;
 - a. Caused and/or permitted the quantity, as specified in **Column D** of **Appendix A**, of the medications, including prescription only medications and/or controlled drugs,

as specified in **Column A** of **Appendix A**, to be and/or to remain unaccounted for in the Pharmacy for the period 1 January 2017 to 24 July 2019; and/or

- b. On one or more dates between 1 January 2017 and 24 July 2019 caused and/or permitted Mr Gallagher to facilitate unauthorised persons entry into the dispensary and/or storage area of the Pharmacy in circumstances where it was inappropriate to do so and was contrary to legislative requirements;
- c. On or between 1 January 2017 and 24 July 2019 failed to ensure, adequately or at all, that medications were stored securely within the Pharmacy contrary to contrary legislative requirements; and/or

3. Such further or other allegations as may be notified to you in advance of the Inquiry.

AND FURTHER by reason of one or more of the allegations and/or sub-allegations set out at 1 above, Mr Gallagher, being an employee and/or pharmacy owner of the Pharmacy, has committed misconduct such that were Mr Gallagher to apply for registration as a pharmacist the Council of the PSI would be likely to refuse to register him; and/or

AND FURTHER by reason of one or more of the allegations and/or sub-allegations set out at 2 above, Gallagher's Pharmacy Limited, being a pharmacy owner of the Pharmacy, has committed misconduct such that were Gallagher's Pharmacy Limited to apply for registration as a pharmacist the Council of the PSI would be likely to refuse to register that person; and/or

AND TAKE NOTICE that the nature of the evidence proposed to be considered at the Inquiry and the names of the witnesses whom it is the intention of the Registrar to request to be in attendance at the Inquiry for the purpose of giving evidence are to be found in the document which is attached to this Notice of Inquiry.

AND TAKE NOTICE that you, or any other person representing you, will be given an opportunity of being present at the Inquiry, of being heard and of calling evidence.

If you do not attend or are not represented, the Inquiry may proceed in your absence.

AND TAKE NOTICE that the Professional Conduct Committee shall have the power to award and authorise the recovery of costs.

AND FURTHER TAKE NOTICE that, following the Inquiry and Report by the Professional Conduct Committee, pursuant to Section 48 of the Act, the Council shall, if the Committee finds that the Complaint is substantiated, impose one or more of the following disciplinary sanctions on you:-

1. An admonishment or censure.

2. The attachment of conditions to your registration, which may include restrictions on practice.
3. The suspension of your registration for a specified period.
4. The cancellation of your registration.
5. A prohibition for a specified period on applying for restoration to the Register.

4. Submissions and Evidence

In the course of opening the case, Ms Daly indicated to the Committee that a certain position was being adopted on behalf of the Pharmacy, as the registered pharmacy owner. Mr Lanigan confirmed that allegation 2(a) as against the Pharmacy was admitted as to fact and admitted as misconduct. Mr Lanigan stated that allegations 2(b) and (c) were also admitted as to fact. Mr Lanigan confirmed that allegation 1(a) was admitted as to fact and admitted as misconduct but that allegations 1(b) and (c) could be subsumed by the admissions made.

Following clarification as requested by the legal assessor, Mr Lanigan confirmed that his position was that it was open to the Committee to make a finding of misconduct as defined in Section 36 of the Pharmacy Act 2007, as amended.

In opening of the case, Ms Daly referred to the registration of the Pharmacy, its trading name, the fact that Michael Gallagher is the supervising and superintendent pharmacist and he is a shareholder of the Pharmacy. Ms Daly referred to unannounced inspections of the Pharmacy by authorised officers of the PSI in July 2017, November 2018 and January 2019. She referred to the focus on controlled drugs, the stock take processes that took place and the discrepancies that arose. Ms Daly referred to the analysis of medications being supplied to the Pharmacy and the significant number of medications that were unaccounted for. Ms Daly also referred to the presence of unidentified individuals in and around the dispensary and the explanations given during interview by Mr Gallagher in this regard.

Ms Daly provided an overview of the authorised officer's report including assumptions that were adopted, opening balances of medications, the stock reconciliation exercise undertaken

and the nature of medicines involved. She referred to a total of 98,082 units being unaccounted for during the relevant period. Ms Daly referred to the interview with Mr Gallagher, the responses provided to various questions asked and the explanations provided. Ms Daly referred to the interview with a pharmacist who worked in the Pharmacy, [REDACTED] and her reference to dispensing on the basis of valid prescriptions and that Mr Gallagher would place bulk orders with suppliers. Ms Daly referred to the interview with another pharmacist, [REDACTED] who worked in the Pharmacy and who stated that he was shocked by the discrepancies identified and confirmed that he dispensed on foot of valid prescriptions.

Mr Shane McGlynn, authorised officer with the PSI gave oral evidence. He referred to carrying out unannounced inspections of the Pharmacy in November 2018 and January 2019. He also referred to a previous inspection in July 2017 which he did not conduct. Mr McGlynn referred in detail to the authorised officers report prepared by him together with another authorised officer. Mr McGlynn referred to the stock check exercise that was carried out and the collation of information regarding the supply of and dispensing of medicines in the Pharmacy. Mr McGlynn gave examples of the balances of medicines reviewed and the discrepancies that emerged when the numbers supplied to the Pharmacy were compared with the numbers dispensed. Mr McGlynn stated that in his time as an authorised officer since 2016 he had conducted hundreds of inspections and he had never come across such huge numbers of medicines that were unaccounted for. Mr McGlynn also referred in his evidence to the product characteristics of some of the medicines involved and he addressed the storage of medicines in the Pharmacy. Mr McGlynn referred to the interviews with Mr Gallagher, [REDACTED] and [REDACTED]. Under cross examination by Mr Lanigan, Mr McGlynn agreed that Mr Gallagher had co-operated with the investigation, that he expressed shock during the interview and he made certain admissions regarding the storage of medicine in a storeroom.

5. Closing Submissions

The Registrar's submissions:

Ms Daly submitted that there were admissions made as to fact in respect of allegations 1 and 2 as against the Pharmacy. Ms Daly submitted that allegation 1 was directed against Mr Gallagher in the context of the registered pharmacy and allegation 2 related to the pharmacy owner allowing a system to operate. Ms Daly referred to the fact that the pharmacist and the

Pharmacy were two separate registered entities and the legal concepts addressed in the separate Notices of Inquiry were different. Ms Daly submitted that the Committee could make a finding of misconduct on allegation 1 and allegation 2. She further submitted that it was open to the Committee to make a finding of misconduct of each of the allegations.

The Registrant's submissions:

Mr Lanigan stated that the Committee should note the admissions on behalf of the Pharmacy that were made at the outset. Mr Lanigan also confirmed that it was accepted that Mr Michael Gallagher was a director of the Company, the Pharmacy.

6. Legal Assessor's advice

Ms Lynch provided advice to the Committee as to what findings were open to the Committee both as to fact and misconduct under Section 36 of the Pharmacy Act 2007. Ms Lynch advised the Committee that Ms Daly has submitted that the Committee could make individual findings of misconduct under each allegation but Mr Lanigan had submitted that a single finding should be made under each of the two allegations and this was a matter for the Committee to decide. Ms Lynch advised the Committee that it should consider the Notice of Inquiry as against the Pharmacy as a separate matter from the Notice of Inquiry as against Mr Gallagher.

7. Decision of the Committee

Allegation 1(a), 1(b) and 1(c)

Findings as to fact

The Committee finds allegation 1(a), 1(b) and 1(c) are each proven as to fact beyond a reasonable doubt. The Committee relied upon the admissions on behalf of the Pharmacy, the authorised officer's report and the oral evidence by the authorised officer.

Findings as to misconduct

The Committee finds that by reason of the proven allegations 1(a), 1(b) and 1(c) cumulatively the employee and pharmacy owner has committed misconduct such that if Mr Gallagher was to apply for registration as a pharmacist, the Council would be likely to refuse to register him. The Committee relied upon the authorised officer's report and the oral evidence by the authorised officer.

Allegation 2(a), 2(b) and 2(c)

Findings as to fact

The Committee finds allegation 2(a), 2(b) and 2(c) are each proven as to fact beyond a reasonable doubt. The Committee relied upon the admissions on behalf of the Pharmacy, the authorised officer's report and the oral evidence by the authorised officer.

Findings as to misconduct

The Committee finds that by reason of the proven allegations 2(a), 2(b) and 2(c) cumulatively the pharmacy owner has committed misconduct such that if the pharmacy owner was to apply for registration as a pharmacist, the Council would be likely to refuse to register that person. The Committee relied upon the authorised officer's report and the oral evidence by the authorised officer.

8. Submissions on sanction

The Registrar's submissions:

Ms Daly stated that the Registrar's position was that the Pharmacy must be considered separate to Mr Gallagher because they are two separate registered entities. Ms Daly submitted that a sanction should be imposed on the Pharmacy so that it travels with the Company irrespective of what happens to Mr Gallagher. She submitted that the appropriate sanction was censure and conditions and that there should be condition attached to the Pharmacy which would allow it to continue in operation as a Pharmacy going forward.

The Registrant's submissions

Mr Lanigan submitted that the Registrar's position that censure and conditions be imposed was very fair but requested that proposed conditions could be circulated by the Registrar for consideration.

9. Legal Assessor's advice on sanction

Ms Lynch gave the Committee advice on the question of a recommendation as to sanction and emphasised that this was a matter for the Committee to decide. Ms Lynch requested that the

proposed conditions be circulated and those conditions drafted on behalf of the Registrar and agreed to by Mr Lanigan on behalf of the Pharmacy, were circulated to the Committee.

10. Committee Recommendations on Sanction

The Committee considered the findings against the Pharmacy and the seriousness of the findings. These findings involved the factual background of an extremely significant number of unaccounted for medicines in the Pharmacy totalling 98,000 and consisting of nearly two and a half thousand boxed units. The Committee noted that the wrongdoing was not a once off but was a pattern of practice which operated in the Pharmacy and which was ongoing for a period of time. The Committee had regard to the evidence of Mr McGlynn, a very experienced authorised officer, who referred to the extent of medicines involved as unprecedented. The Committee was of the view there were a number of aggravating factors present in the case including the breadth and extent of the medicines involved and the pattern of wrongdoing which took place in the Pharmacy. The findings also involved controlled drugs which are drugs with a potential for misuse or abuse. The Committee had regard to the mitigating factors including the number of employees of the Pharmacy who had no involvement in the wrongdoing and the fact that the Pharmacy operates in a community setting.

The Committee makes the following recommendation in relation to sanction:

- A. The Pharmacy, Michael Gallagher Pharmacy Limited trading as Gallagher's Pharmacy, is censured.

- B. The following conditions be attached to the registration of Michael Gallagher Pharmacy Limited trading as Gallagher's Pharmacy (Registration number 5453):-
 1. That Mr Michael Gallagher MPSI (Reg No 4762) not have or be permitted to have any direct or indirect role or involvement in the management and/or operation and/or running of Michael Gallagher Pharmacy Limited trading as Gallagher's Pharmacy (Reg No 5453) (the "Pharmacy") in any capacity, to include as a Director of Michael Gallagher Pharmacy Limited and/or as an employee of that company or any other such company as may be in ownership of the Pharmacy at that address or other address.

2. That Mr Gallagher not be permitted to hold keys to and/or access the Pharmacy premises.
3. That the Directors of the Pharmacy will not permit themselves to be subject to any direct or indirect influence or input from Mr Gallagher in the exercise of the management, and/or operation and/or running of the Pharmacy and the exercise of their directorial duties.
4. That a Director of the Pharmacy will provide written confirmation, at quarterly intervals, that these conditions have been adhered to.
5. That the Superintendent and Supervising Pharmacist of the Pharmacy will be notified of these conditions.
6. That, in the event there is any non-compliance with conditions 1 – 4 above, a Director of the Pharmacy will notify the PSI within one day of such non-compliance.
7. That the Pharmacy will engage an independent expert pharmacist, to be approved in advance by the Registrar of the PSI, to conduct 1 audit every 6 months over a 24 month period, and the report of the audit to be provided to the Registrar within three months of the date of each audit, such audits to address, *inter alia*, the receipt and sale and supply of Schedule 4 and Schedule 5 Controlled Drugs.
8. These conditions will remain in place until such time as the Pharmacy may be the subject of a sale which would trigger the cancellation of the registration of the Pharmacy, if that should occur.
9. That the Pharmacy shall be responsible for any and all costs arising from its compliance with these conditions.

Reasons for recommendation:

In considering the question of sanction, the Committee was of the view that the sanction of admonishment or censure alone would not adequately reflect the seriousness of the findings of

misconduct as against the Pharmacy, the factual circumstances and the importance of protecting the public.

In considering conditional registration, the Committee was of the view that it was necessary to attach detailed conditions to the registration of the Pharmacy to meet the seriousness of the findings and to provide the public with an appropriate level of protection and reassurance regarding the operation of the Pharmacy going forward. The Committee recognised that the Pharmacy employed certain individuals (including other pharmacists) who were not involved in any wrongdoing and the Committee wanted to allow for the continued operation of the Pharmacy in a community setting, subject to the requirements of safe and proper practice within the Pharmacy. The Committee was of the view that any continued registration of the Pharmacy must be without any involvement of Mr Gallagher in the management or operation or running of the Pharmacy in light of the nature and extent of wrongdoing that occurred while Mr Gallagher was the superintendent and supervising pharmacist of the Pharmacy. The Committee was also of the view that a condition to require an external audit of the Pharmacy every 6 months for a two year period was necessary and proportionate to protect the public against a reoccurrence of the significant deviations in safe and proper practice that had occurred over a period of time in the Pharmacy. The Committee decided that a censure together with comprehensive conditions was an appropriate and proportionate sanction in the circumstances and would adequately protect the public.

SIGNED:



Mark Kane, Chairperson

DATE: **27th August 2025**