



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: Mr Michael Gallagher MPSI

Dated: 27th August 2025

Introduction - Summary Details

Registered Pharmacist:	Mr Michael Gallagher MPSI
Pharmacist Registration Number:	4762
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 S.C
Appearances:	
For the Registrar:	Ms Caoimhe Daly BL Mr Kevin Kelly BL Ms Aisling Ray, Fieldfisher LLP Mr Liam Og Beausang, Fieldfisher LLP
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:	 D. O'Malley Stenography.

1. Subject Matter of the Complaint and Proceedings

This is a complaint of the Registrar of PSI in respect of Mr Michael Gallagher, MPSI (Registration number 4762). The complaint was referred by the Preliminary Proceedings Committee ('PCC') on 25 June 2020 to this Committee on the grounds of professional misconduct and/or poor professional performance within the meaning of Section 35(1)(a) and 35(1)(b) of the Pharmacy Act 2007, respectively.

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 after brief legal advice, the Committee allowed the amendments.

3. Allegations

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

That you, whilst you were a Registered Pharmacist and/or Supervising Pharmacist and/or Superintendent Pharmacist, at Michael Gallagher Pharmacy Limited trading as Gallagher's Pharmacy, 29 Barronstrand Street, Waterford City, Co Waterford (hereinafter "**the Pharmacy**"):

1. 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
2. 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
3. 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

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

AND FURTHER by reason of allegation 1 above, you are guilty of professional misconduct in a manner that is:

- (i) Infamous and/or disgraceful in a professional respect; and/or
- (ii) Involves moral turpitude, fraud, or dishonesty of a nature or degree which bears on the carrying on of the profession of a pharmacist; and/or
- (iii) A breach of Principles 1 and/or 2 and/or 4 and/or 6 of the Code of Conduct for Pharmacists 2009; and/or

AND FURTHER by reason of one or more of the allegations and/or sub-allegations at 1 – 3 above, taken individually and/or in combination and/or cumulatively, you are guilty of poor professional performance in that you failed to meet the standards of competence that may be reasonably expected of a Registered Pharmacist.

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 the Registrar was not proceeding with the limb of professional misconduct which refers to moral turpitude, fraud or dishonesty.

Mr Langian confirmed that his client had instructed him to make admissions and that this position had been communicated to the Registrar's legal team. Mr Lanigan confirmed that allegation 1 was admitted as to fact, admitted as professional misconduct being conduct that is infamous or disgraceful in a professional respect and admitted as professional misconduct as conduct that is a breach of principles 1 and/or 2 and/or 4 and/or 6 of the Code of Conduct for Pharmacists. Mr Lanigan confirmed that allegations 2 and 3 were each admitted as to fact and admitted as to poor professional performance. Mr Lanigan also confirmed that the fact of registration was admitted and that Ms Daly could lead witnesses and refer to the Core Book, the contents of which was agreed.

In continuing with the opening of the case, Ms Daly referred to Mr Gallagher's registration and stated that he was the supervising and superintendent pharmacist of Gallagher's Pharmacy. She referred to unannounced inspections 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 confirmed that the time frame in the Notice of Inquiry extends from January 2017 to July 2019. She 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, Ms [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, Mr [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 in Gallagher's 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, Ms [REDACTED] and Mr [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.

Mr Ronan Quirke gave expert evidence on behalf of the Registrar. He referred to his qualifications and experience and the report he had prepared for the Inquiry. He confirmed his opinion that allegations 1, 2 and 3 each amounted to poor professional performance and professional misconduct. Mr Quirke referred to the breadth and range of medicines unaccounted for in the pharmacy as shocking and stated that it was a pattern of practice. He referred to the privileged position enjoyed by pharmacists as custodians of medicines and that certain medications are subject to legislative control because they have the potential to be habit forming, addictive and have a street value. Mr Quirke referred to the specific role of the supervising and superintendent pharmacist.

Mr Quirke set out his opinion that allegation 1 amounted to poor professional performance, professional misconduct as a breach of the Code and professional misconduct as conduct

which was disgraceful. In respect of allegation 2, Mr Quirke referred to the serious issue of unauthorised persons entering the dispensary or storage area in the pharmacy and he set out his opinion that allegation 2 amounted to poor professional performance. In respect of allegation 3, Mr Quirke referred to the shortcomings in the storage of the medicines and set out his opinion that allegation 3 amounted to poor professional performance.

5. Closing Submissions

The Registrar's submissions:

Ms Daly submitted that Mr Gallagher had made admissions as to fact on each allegation 1 to 3 inclusive. She submitted that it was open to the Committee to make findings of poor professional performance and professional misconduct on allegation 1. Ms Daly submitted that Mr Gallagher had admitted that allegations 2 and 3 amounted to poor professional performance.

The Registrant's submissions:

Mr Lanigan stated that it was on specific instructions from his client that he did not cross-examine the expert witness. He submitted that there is a difference in character between poor professional performance and professional misconduct and that there may be a difference in reputational damage. He had submitted that it was appropriate for the Committee to make a finding of professional misconduct only on allegation 1.

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, poor professional performance and professional misconduct. She outlined the burden and standard of proof and advised the Committee that they were entitled to rely on the admissions as to fact made on behalf of Mr Gallagher. Ms Lynch referred to the admission as to professional misconduct made on behalf of Mr Gallagher in respect of allegation 1 but advised the Committee that it was open to the Committee, with particular regard to the evidence of Mr Quirke, to also make a finding of poor professional performance and that was a matter for the Committee to decide. Ms Lynch advised the Committee that it could make findings of poor professional performance on allegations 2 and 3 and she referred to the admissions made on behalf of Mr Gallagher.

7. Decision of the Committee

Allegation 1

Finding as to fact

The Committee found allegation 1 proven as to fact beyond a reasonable doubt. The Committee relied upon the admissions on behalf of the Registrant, the authorised officer's report and the oral evidence by the authorised officer.

Findings as to professional misconduct

The Committee found allegation 1 proven as to professional misconduct in a manner that is infamous and disgraceful in a professional respect beyond a reasonable doubt. The Committee found allegation 1 proven as to professional misconduct in a manner that is a breach of principles 1, 2, 4 and 6 of the Code of Conduct for Pharmacists beyond a reasonable doubt. The Committee relied upon the expert evidence by Mr Quirke, the admissions on behalf of the Registrant and the Committee acknowledges the approach taken by the Registrant in not seeking to challenge that expert evidence.

Finding as to poor professional performance

The Committee found allegation 1 proven as to poor professional performance beyond a reasonable doubt. The Committee relied upon the expert evidence by Mr Quirke and acknowledges the approach taken by the Registrant in not seeking to challenge that expert evidence.

Allegation 2

Finding as to fact

The Committee found allegation 2 proven as to fact beyond a reasonable doubt. The Committee relied upon the admissions on behalf of the Registrant, the authorised officer's report and the oral evidence by the authorised officer.

Finding as to poor professional performance

The Committee found allegation 2 is proven as to poor professional performance beyond a reasonable doubt. The Committee relied upon the expert evidence by Mr Quirke, the

admissions on behalf of the Registrant and the Committee acknowledges the approach taken by the Registrant in not seeking to challenge that expert evidence.

Allegation 3

Finding as to fact

The Committee found allegation 3 proven as to fact beyond a reasonable doubt. The Committee relied upon the admissions on behalf of the Registrant, the authorised officer's report and the oral evidence by the authorised officer.

Finding as to poor professional performance

The Committee found allegation 3 is proven as to poor professional performance beyond a reasonable doubt. The Committee relied upon the expert evidence by Mr Quirke, the admissions on behalf of the Registrant and the Committee acknowledges the approach taken by the Registrant in not seeking to challenge that expert evidence.

8. Submissions on sanction

The Registrar's submissions:

Ms Daly stated that the Registrar's position was that the appropriate sanction was cancellation. Ms Daly referred to the PSI Sanction Guidance document and referred to the purpose of sanction is to protect the public. She also referred to the principles of proportionality and leniency. Ms Daly referred to the role of mitigating and aggravating factors and the approach of starting with the most lenient sanction and working upwards.

Ms Daly referred to Mr Gallagher's role as the supervising and superintendent pharmacist, the number of medicines that were unaccounted for and the fact that this was unexplained. Ms Daly referred to the period of time covered by the conduct and that there was a flagrant disregard and breach of the fundamental tenets of being a pharmacist. Ms Daly also referred to the nature of the medicines which included controlled drugs prone to use and misuse and that steps taken to improve security in the pharmacy did not alter the nature of the wrongdoing found proven.

The Registrant's submissions

Mr Lanigan referred to Mr Gallagher's age, family status and personal circumstances. He stated that Mr Gallagher was almost 44 years practicing as a pharmacist and had not been the subject of any other Inquiry. He referred to the instructions not to cross examine the expert and stated that his client has insight. Mr Lanigan referred to his client's 10 members of staff and stated that Mr Gallagher wanted to ensure that the Committee understood that the other pharmacists, Ms [REDACTED] and Mr [REDACTED] were persons of integrity who were not involved in the wrongdoing. Mr Lanigan asked the Committee to consider the manner in which Mr Gallagher had approached the matter, stated that he wanted to apologise and that he had been trying to remove himself from professional practice by selling his pharmacy.

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 referred to the issue of the protection of the public together and the factors that are encompassed by public

protection. Ms Lynch referred to the principle of proportionality and the requirement to be as lenient as permissible in the circumstances to the Registrant. Ms Lynch advised the Committee to have regard to mitigating and aggravating factors and the approach to be adopted when considering a recommendation as to sanction.

10. Committee Recommendations on Sanction

The Committee considered the findings against the Registrant and the seriousness of the findings. These findings involved an extremely significant number of unaccounted for medicines 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 ongoing for a period of time. The Committee had regard to the position of privilege and trust occupied by pharmacists and the clear evidence of Mr Quirke in this regard. The Committee also 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. The findings also involved controlled drugs which are drugs with a potential for misuse or abuse. The Committee considered the fact that Mr Gallagher was the superintendent and supervising pharmacist at the relevant time with obligations and responsibilities as a custodian of medicines to be an aggravating factor. The Committee noted that the findings included conduct that was proven to be disgraceful and was of the view that Mr Gallagher had a limited amount of insight.

The Committee had regard to the mitigating factors including Mr Gallagher's co-operation with the PSI investigation. The Committee was of the view that taking all the mitigating factors into account such as his lengthy unblemished career, personal circumstances, financial obligations and Mr Gallagher's efforts to remove himself from the profession those factors were not such that a sanction at the lower end of the range of sanctions could be imposed.

The Committee makes the following recommendation in relation to sanction:

The Committee recommends that the sanction of cancellation be imposed on Mr Gallagher.

Reasons for recommendation:

In considering the question of sanction, the Committee was of the view that the sanction of admonishment or censure would not adequately reflect the seriousness of the findings, the multiplicity of findings, the factual circumstances and the importance of protecting the public. In considering conditional registration, the Committee was of the view that no conditions could meet the seriousness of the findings or provide the public with an appropriate level of reassurance regarding the Registrant's practice going forward particularly in light of the lack of explanation as to what occurred and why it occurred.

In considering the issue of suspension, the Committee had regard to the fact that a pattern of wrongdoing occurred while the Registrant was the superintendent and supervising pharmacist with responsibilities and obligations as a custodian of medicines. The Committee was of the view that a period of suspension would not adequately protect the public regarding safe practice, would not adequately maintain public confidence in the profession and would not sufficiently protect and uphold professional standards.

The Committee was of the view that the nature and extent of the findings against the Registrant are incompatible with the Registrant continuing to practice as a registered pharmacist. The Registrant displayed limited insight and there is a lack of meaningful reassurance that such serious issues would not re-occur because of the lack of any explanation regarding the proven conduct. The Committee was of the view that the findings represented a significant deviation from safe practice and a fundamental breach of the Registrant's obligations and responsibilities in the trusted, important and privileged role as a pharmacist. The Committee decided that a recommendation of cancellation was appropriate in the circumstances.

SIGNED:



Mark Kane, Chairperson

DATE: 27th August 2025