

**General Pharmaceutical Council**

**Fitness to Practise Committee**

**Principal Hearing**

Remote videolink hearing

**Monday 17 – Tuesday 18 February 2025**

|  |  |
|--|--|
| <b>Registrant name:</b>                | Nabeil Nasr  |
| <b>Registration number:</b>            | 2059891  |
| <b>Part of the register:</b>           | Pharmacist   |
| <b>Type of Case:</b>                   | Conviction   |
| <b>Committee Members:</b>              | Hannah Bows (Chair)<br>Oliver Jones (Registrant member)<br>Joanna Bower (Lay member) |
| <b>Legal Adviser:</b>                  | Gary Leong   |
| <b>Committee Secretary:</b>            | Zainab Mohamad   |
| <b>Registrant:</b>                     | Not present but represented by Evan Wright   |
| <b>General Pharmaceutical Council:</b> | Represented by Leonard Wigg  |
| <b>Facts proved by admission:</b>      | All  |
| <b>Facts not proved:</b>               | None   |
| <b>Fitness to practise:</b>            | Impaired   |
| <b>Outcome:</b>                        | Removal  |
| <b>Interim measures:</b>               | Suspension   |

This decision including any finding of facts, impairment and sanction is an appealable decision under *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010*. Therefore, this decision will not take effect until 19 March 2025 or, if an appeal is lodged, once that appeal has been concluded. However, the interim suspension set out in the decision takes effect immediately and will lapse when the decision takes effect or once any appeal is concluded.

### **Particulars of Allegation**

*You, a registered pharmacist,*

1. *On 6 November 2020, were convicted at Southwark Crown Court of,*
  - 1.1 *Supply controlled drug of Class C x 2*
2. *On 26 November 2020, were convicted at Southwark Crown Court of,*
  - 2.1 *Without a licence distributed a medicinal product by way of wholesale dealing x 2.*

*By reason of the matters set out above, your fitness to practise is impaired by reason of your conviction.*

### **Documentation**

Document 1 - GPhC hearing bundle

Document 2 - GPhC skeleton argument

Document 3 - Transcript of the Registrant's mitigation put forward that the sentencing hearing in the Crown Court on 15 May 2024

Document 4 - Letters of references that were provided to the Crown Court in support of the Registrant's mitigation on 15 May 2024.

### **Witnesses**

No witnesses were called to give evidence.

## **Determination**

### **Introduction**

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').
2. The hearing is governed by *The Pharmacy Order 2010* ("the Order") and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ("the Rules").
3. The statutory overarching objectives for these regulatory proceedings are:
  - a. To protect, promote and maintain the health, safety and well-being of the public;
  - b. To promote and maintain public confidence in the professions regulated by the Council; and
  - c. To promote and maintain proper professional standards and conduct for members of those professions.
4. The Committee also has regard to the guidance contained in the Council's *Good decision making: Fitness to practise hearings and sanction guidance* as revised March 2024.
5. A Principal Hearing has up to three stages:

Stage 1. Findings of Fact – the Committee determines any disputed facts.

Stage 2. Findings of ground(s) of impairment and impairment – the Committee determines whether, on the facts as proved, a statutory ground for impairment is established and, if so, whether the Registrant's fitness to practise is currently impaired.

Stage 3. Sanction – the Committee considers what, if any, sanction should be applied if the Registrant's fitness to practise is found to be impaired.

### **Conflict of Interests**

6. The Committee members confirm that there are no conflict of interest issues.

### **Background**

7. On 15 of May 2024, at Southwark Crown Court, the Registrant was sentenced to a period of imprisonment of 24 months, suspended for 24 months, for four criminal offences. He was also ordered to complete 200 hours unpaid work and received a confiscation order to pay £606,247.71 before 15 May 2025. The criminal offences were as follows:

#### **a. STATEMENT OF OFFENCE**

*Supplying a controlled drug to another, contrary to sections 4(3)(a) and 21 of the Misuse of Drugs Act 1971.*

**PARTICULARS OF OFFENCE**

*NABEIL NASR, between 23 December 2013 and 15 December 2015, unlawfully supplied a controlled drug of Class C, namely 24,194,245 tablets of Diazepam, to Nader Akrami in contravention of section 4(1) of the Misuse of Drugs Act 1971.*

**b. STATEMENT OF OFFENCE**

*Supplying a controlled drug to another, contrary to sections 4(3)(a) and 21 of the Misuse of Drugs Act 1971.*

**PARTICULARS OF OFFENCE**

*NABEIL NASR, between 23 December 2013 and 15 December 2015, unlawfully supplied a controlled drug of Class C, namely 3,910,376 tablets of Zopiclone, to Nader Akrami in contravention of section 4(1) of the Misuse of Drugs Act 1971.*

**c. STATEMENT OF OFFENCE**

*DISTRIBUTING A MEDICINAL PRODUCT BY WAY OF WHOLESale DEALING OTHERWISE THAN IN ACCORDANCE WITH A WHOLESale DEALERS'S LICENCE, contrary to regulation 34(1) and 35(1) of the Human Medicine Regulations 2012.*

**PARTICULARS OF OFFENCE**

*NABEIL NASR, between 9 May 2013 and 6 February 2015 distributed a medicinal product, namely 1,456 tablets of Diazepam, to Pall Mall Medical Limited, by way of wholesale dealing, otherwise than in accordance with a wholesale dealer's licence, in contravention of regulation 18(1) of the Human Medicine Regulations 2012.*

**d. STATEMENT OF OFFENCE**

*DISTRIBUTING A MEDICINAL PRODUCT BY WAY OF WHOLESale DEALING OTHERWISE THAN IN ACCORDANCE WITH A WHOLESale DEALERS'S LICENCE, contrary to regulation 34(1) and 35(1) of the Human Medicine Regulations 2012.*

**PARTICULARS OF OFFENCE**

*NABEIL NASR, between 9 May 2013 and 6 February 2015, distributed a medicinal product, namely 616 tablets of Zopiclone, to Pall Mall Medical Limited, by way of wholesale dealing, otherwise than in accordance with a wholesale dealer's license, in contravention of regulation 18(1) of the Human Medicine Regulations 2012.*

## Decision on Facts

8. The allegation in this case is a conviction. The Committee had sight of the memorandum of conviction and Mr Wright told the Committee that the Registrant accepted the fact of the convictions. The Committee found the facts proved in accordance with Rule 24(4).

## Impairment

9. Having found the particulars of allegation proved, the Committee went on to consider whether the Registrant's fitness to practise is currently impaired by reason of their conviction.
10. Mr Wigg outlined the background facts of the conviction and submitted that the Registrant's fitness to practise is currently impaired in that the conviction and the nature of the offences were serious matters, and the public interest requires that a finding of impairment be found so as not to undermine the public confidence in the profession and the regulatory process. The Registrant is still serving his sentence of imprisonment (suspended) for the purposes of these proceedings. Mr Wigg submitted that facts leading to the conviction demonstrated a supply of controlled drugs on a large scale in breach of the law, the standards expected of a Pharmacist, and which put members of the public at real risk of harm in the supply of circa 28 million tablets of Class C drug outside the regulatory supply chain.
11. Mr Wright told the Committee that the Registrant accepted that his fitness to practise was impaired by reason of his conviction.
12. The Committee accepted the advice of the Legal Advisor.
13. The Committee took account of the guidance given to the meaning of 'fitness to practise' in the Council's publication *Good decision making: Fitness to practise hearings and outcomes guidance (March 2024 edition)*. Paragraph 2.12 reads:

*"A pharmacy professional is fit to practise when they have the skills, knowledge, character, behaviour and health needed to work as a pharmacist or pharmacy technician safely and effectively. In practical terms, this means maintaining appropriate standards of competence, demonstrating good character, and also keeping to the principles of good practice set out in our various standards, guidance and advice."*

14. The Committee took into account the submissions made by Mr Wigg. It also considered the sentencing remarks of His Honour Judge Cole when sentencing the Registrant to 24 months imprisonment.

15. The Committee also considered Rule 5 of the Rules.

Rule 5(2) states:

*“(2) In relation to evidence about the conduct or behaviour of the Registrant which might cast doubt on whether the requirements as to fitness to practise are met in relation to the Registrant, the Committee must have regard to whether or not that conduct or behaviour –*

*a) presents an actual or potential risk to patients or to the public;*

*b) has brought, or might bring, the profession of pharmacy into disrepute;*

*c) has breached one of the fundamental principles of the profession of pharmacy;*

*or*

*d) shows that the integrity of the Registrant can no longer be relied upon.”*

16. The Committee had regard to the sentence received by the Registrant, but also bore in mind that the sentence imposed is not necessarily a good indicator of the seriousness of the offences when considered in a regulatory context. This is because the prime consideration of regulatory tribunals is the protection of the public and of the wider public interest.

17. The Committee noted that the Registrant had co-operated with the police investigation and had pleaded guilty at the first opportunity. The Committee determined that this demonstrated some level of insight on the part of the Registrant.

18. However, the Committee considered that his level of insight was limited. The Committee noted that whilst there is some recognition of the impact of his actions upon others, the Registrant appears to be more concerned about the impact that the criminal proceedings had upon him. He has provided no evidence to demonstrate an understanding of the impact his actions had on patient safety, professional standards or public protection. The Committee also noted that in his mitigation before His Honour Judge Cole he attempted to minimise his role in the criminal enterprise. He sought to deflect blame onto his employees.

19. Furthermore, the Registrant has been convicted of crimes of specific intent, in that he knew what he was doing was wrong. As His Honour Judge Cole said when sentencing: *“So, this is a deliberate avoidance of the right way of doing it through greed.”*

20. The Registrant has not substantially engaged with this hearing. Whilst he has sent Mr Wright to represent him, he has not submitted any evidence nor statement for this hearing. He merely relied upon documents provided to the Crown Court when being sentenced without any further comment.
21. The Committee determined that the Registrant's conduct leading to his conviction and his conviction coupled with his limited level of insight, meant that he
  - a. continues to present a risk to patients or to the public; and
  - b. has brought the profession of pharmacy into disrepute; and
  - c. has breached one of the fundamental principles of the profession of pharmacy;
  - d. has shown his integrity can no longer be relied upon.
22. The Committee determined that the Registrant's actions leading to the conviction breached the following standards of the Standards for Pharmacy Professionals:
  - a. Standard 5, namely that they must use their professional judgment
  - b. Standard 6, namely that they must behave in a professional manner.
  - c. Standard 8, namely they must speak up when things go wrong and
  - d. Standard 9, namely that they should demonstrate leadership
23. Although the Registrant's conduct is potentially remediable, there is insufficient evidence of remediation before this Committee. Accordingly, the Committee concluded that there is a real risk of repetition, taking into account the criminal behaviour took place over a two-year period and on a large scale.
24. In addition to the above, the Committee determined that the conviction of the Registrant related to very serious criminal offences and had clear implications in terms of the wider public interest in maintaining public confidence in the profession. The Committee determined that other practitioners would consider that the Registrant's actions were abhorrent and would attract the highest public opprobrium.
25. The Committee determined that the conviction was such that the need to uphold professional standards and public confidence in the professions would be undermined if a finding of impairment were not made. A member of the public would be shocked if no finding of impairment were made in this case.
26. Therefore, the Committee determined that the Registrant's fitness to practise is currently impaired by reason of his conviction.

## **Decision on Sanction**

27. Having found impairment, the Committee went on to consider the matter of sanction. The Committee's powers are set out in Article 54(2) of the Order. The Committee should consider the available sanctions in ascending order from least restrictive, take no action, to most restrictive, removal from the register, in order to identify the appropriate and proportionate sanction that meets the circumstances of the case.
28. The purpose of the sanction is not to be punitive, though a sanction may in fact have a punitive effect. The purpose of the sanction is to meet the overarching objectives of regulation, namely the protection of the public, the maintenance of public confidence and to promote professional standards. The Committee is therefore entitled to give greater weight to the public interest over the Registrant's interests.
29. The Committee took into account the submissions made by Mr Wigg. He reminded the Committee of the principle of proportionality and drew its attention to the document entitled "*Good decision making: Fitness to practise hearings and sanctions guidance*".
30. Mr Wigg submitted that the aggravating features included
  - a. The scale of the drug supply;
  - b. The period of the offending behaviour;
  - c. The criminal behaviour was for financial gain; and
  - d. The risk to the public by removing the supply of such a large quantity of controlled drug out of the legitimate supply chain.
31. Mr Wigg submitted that removal from the register was the appropriate and proportionate sanction in this case.
32. Mr Wright could not make any substantive mitigation on behalf of the Registrant as the Registrant has not provided any statement or evidence addressed to the Committee.
33. The Committee had regard to the Council's '*Good decision making: Fitness to practise hearings and sanctions guidance*' to inform its decision.
34. The Committee reminded itself that it had found that the Registrant continues to pose a real risk to patients and members of the public.
35. The Committee took into account the following aggravating features of this case:
  - a. this was a supply of controlled drugs on a very large scale;
  - b. the criminal enterprise was designed to by-pass the regulatory safeguards put in place for the safe dispensing and supply of controlled drugs;



- c. the risk to the public posed by the Registrant's conduct was wide and significant;
  - d. the criminal enterprise took place continuously over a period of two years;
  - e. the Registrant put the members of the public at significant risk of harm for his own financial gain;
  - f. the Registrant has not demonstrated insight into the impact of his criminal behaviour upon the public and the profession.
36. The Committee took into account limited mitigating features of this case in that the Registrant had cooperated with the police investigation when the criminal enterprise had been uncovered and pleaded guilty at the first available opportunity.
37. The Committee placed little weight upon the mitigation and references provided by the Registrant for the following reasons:
- a. they were created for the sentencing hearing at the Crown Court in May 2024,
  - b. they are not up to date
  - c. they do not address the issues that this Committee must consider in a regulatory context
  - d. many of the letters and references come from close family members and close friends; and
  - e. None of them address the risk to the public and the public interest that the Committee must consider.
38. The Committee determined that the Registrant had been convicted of a serious criminal offence. Furthermore, the Committee could not be satisfied that there was a low risk of repetition as it has not had any communication nor evidence from the Registrant that would enable it to determine otherwise.
39. In considering the matter of sanction, the Committee started with the least restrictive moving upwards.
40. The Committee first considered taking no action but concluded that, given the seriousness of the criminal offence, this would be wholly inappropriate and insufficient to declare and affirm proper standards of conduct and behaviour, nor to maintain public confidence in the profession.
41. The Committee then considered whether to give a warning. The Committee determined that the circumstances of the criminal offences are such that a warning is not appropriate for the same reasons as set out above.

42. The Committee next considered the imposition of a Conditions of Practice Order. However, this is not a case that is suitable for the imposition of conditions of practice. There are no concerns with the Registrant's practice or competency as a Pharmacist. Conditions of Practice are more suited to cases where there is a competency issue. In any case, the serious nature of the criminal offences makes a Conditions of Practice Order inappropriate as a sanction for the same reasons as set out above.
43. The Committee then considered whether a period of suspension would be a sufficient and proportionate response in order to maintain a proper degree of confidence in the profession and the regulatory process, and to declare and maintain proper standards among fellow professionals. As stated above, taking the circumstances of the criminal offence into consideration, the Committee has determined that the Registrant had been convicted of serious criminal offences. The Committee determined that these offences are so serious that suspension is not a suitable sanction. His conduct goes to the heart of his practice as a Pharmacist and is fundamentally incompatible with registration. One of the fundamental purposes of having pharmacists is to ensure the safe dispensing of medicines to members of the public. The Registrant has demonstrated a complete disregard to this purpose in furtherance of his own personal financial gain.
44. The Committee weighed all the above considerations and the fact that the Registrant has been on an Interim Suspension Order since the Council's investigation began. Nevertheless, the Committee determined that the matter before it was so serious that a Suspension Order, even for the maximum duration, would not be sufficient to maintain and declare proper standards of conduct and behaviour, nor to maintain the reputation of the profession, nor to maintain public confidence in the profession and the regulatory process.
45. This case involves illegal supply of controlled drugs on such a scale that the imposition of a suspension order, even for the maximum duration of one year, would undermine public confidence in the regulatory process as well as in the profession.
46. The Committee therefore went on to consider removal of the Registrant's name from the Council's register. The Committee was aware that such an order would have an impact on the Registrant. However, it concluded that this was such a serious departure from the standard of behaviour expected from a Pharmacist that only removal of his registration would be sufficient to maintain and declare proper standards of conduct and behaviour, to maintain the reputation of the profession, and to maintain public confidence in the profession and the regulatory process. The seriousness of the Registrant's convictions, which are fundamentally incompatible with registration as a Pharmacist, demands the ultimate sanction of a striking off order.
47. The Committee therefore directs that the Registrar removes Mr Nabeil Nasr's name from the Register

### **Interim Order**

48. After the pronouncement of the sanction, Mr Wigg applied for an Interim Suspension Order to be imposed upon the Registrant under Article 60 of the Order.

### **Decision on Interim Measure**

49. In coming to its decision, the Committee took into consideration that the Committee's substantive decision will not take effect until 28 days after notice of this decision has been sent, or until any appeal has been finally disposed of.
50. The Committee noted that the Registrant was sentenced to a period of imprisonment of 24 months from 15 May 2024. As he is on a suspended sentence he would be free to practise as a pharmacist if no interim measure is imposed.
51. In light of the Committee's findings set out above, it determined that an interim suspension order was necessary to protect the public and also in the public interest. An interim conditions of practice order would not be sufficient for the same reasons as set out in the Committee's decision on sanction.
52. This concludes the determination.