

BELIVEAU, FRADETTE, DOYLE & GALLANT, P.A.

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November 2009

AREAS OF PRACTICE

ADMINISTRATIVE

Legislative
Licensing
Regulatory

BANKING/CREDIT UNIONS

Commercial Paper
Foreclosures and Workouts
Lending Institutions

CORPORATIONS/PARTNERSHIPS

Corporations, LLCs
Partnerships, Joint Ventures
Purchase and Sales of Businesses

EMPLOYMENT

Contract Agreements/Separation
Discrimination/Harassment
Wrongful Termination

HEALTH CARE

Hospital Malpractice
Nursing Home Injury
Physician/Nurse Malpractice
Pharmacy Malpractice
Regulatory Compliance
Wrongful Death

LITIGATION

Professional Malpractice
Discrimination/Wrongful Termination
Commercial & Corporate
Construction/Mechanic's Lien
Retail and Business Collections
Unfair Trade Practices
Wrongful Death

PERSONAL INJURY

Auto Accident
Falls with Injury
Workplace Accident
Wrongful Death

REAL ESTATE

Buyer/Seller Transactions
Commercial Transactions
Condemnation Proceedings
Eminent Domain Proceedings
Zoning and Planning Boards

Dear Pharmacist:

With this cover letter are seven separate two hour pharmacy law CE sessions to be held in November 2009. Please note that the two hour time interval for each session is different, ranging from 7:00 a.m. to 9:00 p.m. Be sure to calendar the correct date and time. If a session fills up, we will take your name. Additional sessions may be added during the month of December to make certain everyone who needs law CE credits will have them before the end of the year. Please feel free to e-mail me directly if you have any questions or requests relative to pharmacy law continuing education credits. Also, I want to know your preferences relative to future format, topic and time.

CASE UPDATE: I am pleased to report that the \$2 million verdict awarded to pharmacist Cynthia Haddad against Wal-Mart was affirmed by the Massachusetts Supreme Judicial Court in a decision dated October 5, 2009. The award includes \$733,000 in front pay damages and \$1,000,000 in punitive damages for Wal-Mart's outrageous conduct in wrongfully terminating pharmacist Haddad. This case began in April 2004 and hopefully will now end in October 2009. As lead counsel throughout the case, this verdict represents the pinnacle of my legal-pharmacy career to date. **More importantly, the victory represents justice for Cindy Haddad and her husband, Bill Haddad.** Read the entire Supreme Court opinion on my website at Verdicts & Settlements and download the attachment on the related story dated 10-5-09.

Feel free to contact me at any time should you need legal advice. In my practice, I value pharmacists and any pharmacy related clients. For example, in the Haddad matter, three non-pharmacist lawyers turned the case down because the amount in controversy (less than \$2,000 in unpaid wages) did not justify taking on the largest private employer in the world.

I look forward to seeing you at one of my CE sessions!

Very truly yours,



Richard E. Fradette, R.Ph., M.P.H., J.D.
Rick@beliveau-fradette.com
www.beliveau-fradette.com



PHARMACY LAW CE ANNOUNCEMENT

**"To Err is Human: To Lie is Wrong. Maintaining Patient Confidence."
- 2009 Update -**

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Monday, November 16, 2009**

PLACE: **Law Offices of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **7:00 – 9:00 p.m. (RSVP – ASAP – seating is limited.)**

WHO SHOULD ATTEND: Pharmacists, students, technicians, ARNPs, nurses, physicians, PAs and any other health care professional.

GOALS: To educate the participant on the incidence of errors in the health care workplace and the appropriate response when one occurs. State and federal laws, rules and regulations are examined as they relate to errors. Two or three case studies are presented for interactive analysis and discussion.

PROGRAM CONTENT: Participants are given copies of a fact summary and the actual prescriptions used in evidence. Discovery materials include the statements, correspondence and deposition transcript in each case. Suggestions for participants include a document titled, "What Can I Say" and safe practice recommendations.

This program is approved for 0.2 CE (2.0 law contact hours).
New Hampshire CE Program No. 30-09-L007.

To Err is Human: To Lie is Wrong. Maintaining Patient Confidence.

RSVP to Vickie at (603) 623-1234 or Vickie@beliveau-fradette.com. First come, first serve. Seating is limited. Fee \$35.00 per person paid in advance to reserve your seat.



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PRESENTED AT YOUR CONVENIENCE TO GROUPS OF 15 OR MORE. CALL FOR INFORMATION.



PHARMACY LAW CE ANNOUNCEMENT

**"Anatomy Of A Malpractice Lawsuit."
- 2009 Update -**

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Tuesday, November 17, 2009**

PLACE: **Law Offices of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **12:00 – 2:00 p.m. (RSVP – ASAP – seating is limited.)**

WHO SHOULD ATTEND: Pharmacists, students, technicians, RNs, ARNPs, MDs, PAs and any other health care professional.

GOALS: To educate the participant on the elements of a professional malpractice lawsuit. The practitioner's duty and standard of care are examined using case studies. Applicable laws, rules and regulations are applied to the facts and hypothetical questions stimulate analysis and discussion.

PROGRAM CONTENT: Fact summary and exhibits including medical records are used to facilitate analysis and discussion. A handout is provided outlining the elements of a negligence claim. Powerpoint presentation is used to emphasize certain portions of the presentation.

This program is approved for 0.2 CE (2.0 law contact hours).
N.H. Board of Pharmacy #30-09-L008.

Anatomy Of A Malpractice Lawsuit.

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PHARMACY LAW CE ANNOUNCEMENT

**"Pharmacist in Charge – Duties & Liabilities."
- 2009 Update -**

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Wednesday, November 18, 2009**

PLACE: **Law Office of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **9:00 – 11:00 a.m. (RSVP – ASAP – seating is limited to 20.)**

WHO SHOULD ATTEND: Pharmacists and other health care professional governed by policies and procedures and laws, rules and regulations.

GOALS: To educate the participant about the regulatory duties of PICs and employee pharmacists. The participant will understand the statutory laws, rules and regulations governing the practice of pharmacy. Emphasis is placed on policies and procedures in the practice of pharmacy.

PROGRAM CONTENT: Sample policies and procedures are distributed. Applicable pharmacy rules and regulations are summarized. Copies of deposition transcripts are distributed and witness cross examination used to emphasize the lessons to be learned.

This program is approved for 0.2 CE (2.0 law contact hours).
N.H. Board of Pharmacy #30-09-L009.

Pharmacist in Charge – Duties & Liabilities.

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PHARMACY LAW CE ANNOUNCEMENT

**"Disciplinary Hearings: Know Your Rights."
- 2009 Update -**

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Thursday, November 19, 2009**

PLACE: **Law Office of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **3:00 – 5:00 p.m. (RSVP – ASAP – seating is limited to 20.)**

WHO SHOULD ATTEND: Pharmacists, physicians, nurses and any other professional licensed by the State to practice his/her profession.

GOALS: To educate the participant on the statutory and regulatory framework of professional disciplinary hearings. Case law is studied to discern the rights of the professional and the boundaries of the adjudicatory board. Interactive analysis and discussion of hypothetical and real cases demonstrate the lessons to be learned.

PROGRAM CONTENT: Statutory and regulatory schemes are distributed. Copies of cases decided interpreting adjudicatory hearings by administrative boards are distributed and used for discussion. Powerpoint presentation used to assist in demonstrating the points of law involved in administrative proceedings.

This program is approved for 0.2 CE (2.0 law contact hours).
N.H. Board of Pharmacy #30-09-L0010

Disciplinary Hearings: Know Your Rights.

RSVP to Vickie at (603) 623-1234 or Vickie@beliveau-fradette.com. First come, first serve. Seating is limited. Fee \$35.00 per person paid in advance to reserve your seat.

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PHARMACY LAW CE ANNOUNCEMENT

"Pharmacy Practice: Policies & Procedures in the Workplace – Haddad v. Wal-Mart Case Study"

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Friday, November 20, 2009**

PLACE: **Law Offices of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **7:00 – 9:00 a.m. (RSVP – ASAP – seating is limited to 20.)**

WHO SHOULD ATTEND: Pharmacists, students, technicians, RNs, ARNPs, MDs, PAs and any other health care professional.

GOALS: To educate the participant on the importance of pharmacy workplace policies and procedures, and the need to apply the same equally to male and female pharmacists. Overview of certain employment laws prohibiting gender discrimination in payment of wages for equal work.

PROGRAM CONTENT: A review of the trial and \$2 million verdict awarded June 19, 2007 in the gender discrimination and wrongful termination of a female pharmacist. Attorney Fradette represented the pharmacist. Wal-Mart appealed the verdict. On October 5, 2009 the Massachusetts Supreme Judicial Court upheld the verdict, which included \$733,000 in front pay and \$1,000,000 in punitives.

This program is approved for 0.2 CE (2.0 law contact hours).
N.H. Board of Pharmacy #30-09-L0011.

Pharmacy Practice: Policies & Procedures in the Workplace

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PHARMACY LAW CE ANNOUNCEMENT

"What is Pharmacy Professional Misconduct Under RSA 318:29, II?"

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Monday, November 23, 2009**

PLACE: **Law Offices of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **7:00 – 9:00 p.m. (RSVP – ASAP – seating is limited to 20.)**

WHO SHOULD ATTEND: Pharmacists, students, technicians, RNs, ARNPs, MDs, PAs and any other health care professional.

GOALS: To educate the participant on the statutory definition of professional misconduct and how to protect yourself from a Board of Pharmacy accusation of professional misconduct.

PROGRAM CONTENT: Case materials reviewed, including recent communications from the New Hampshire Attorney General's office acting as prosecutor for the New Hampshire Board of Pharmacy.

This program is approved for 0.2 CE (2.0 law contact hours).
N.H. Board of Pharmacy #30-09-L0012.

What is Pharmacy Professional Misconduct Under RSA 318:29, II?

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PHARMACY LAW CE ANNOUNCEMENT

"Pharmacist's Duty to Report Certain Improper Drug Dispensing 274 CMR 6.14 Effective 1/1/2010 and N.H. Common Law Duty."

PRESENTED BY: Richard E. Fradette, R.Ph., J.D., M.P.H. Law

DATE: **Tuesday, November 24, 2009**

PLACE: **Law Offices of Beliveau, Fradette, Doyle & Gallant, P.A.
91 Bay Street, Manchester, NH 03104**

TIME: **7:00 – 9:00 p.m. (RSVP – ASAP – seating is limited to 20.)**

WHO SHOULD ATTEND: Pharmacists, students, technicians, ARNPs, nurses, physicians, PAs and any other health care professional.

GOALS: Each attendee will understand the legal mandate of Massachusetts regulation 247 CMR 6.14 requiring the pharmacist to report certain improper drug dispensing to the Board of Pharmacy. In addition, the attendee will understand the New Hampshire common law duty owed to each patient and discuss whether a corollary duty to report to the BOP exists. Finally, a factual scenario will be presented for each attendee to review and analyze and express opinions on the pharmacist's duties under the new Massachusetts regulation and New Hampshire common law.

PROGRAM CONTENT: The program will be built around the new Massachusetts regulatory requirement set forth at 247 CMR 6.14.

This program is approved for 0.2 CE (2.0 law contact hours).
N.H. Board of Pharmacy #30-09-L0013.

Pharmacist's Duty to Report Certain Improper Drug Dispensing

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