

STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH  
HEALTH SERVICES REGULATION  
BOARD OF PHARMACY

vs.

RICHARD MANCINI, RPH (LICENSE #RPH03616)

CONSENT ORDER

Pursuant to Rhode Island General Laws Section 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Pharmacy (hereinafter "Department") has investigated a complaint charging Richard Mancini, RPh (hereinafter "Respondent"), with violations of RIGL § 5-19.1-21 and Section 27 of the *Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors*. After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a registered pharmacist in the State of Rhode Island and holds license number RPH03616.
2. Respondent served as the Pharmacist-In-Charge at Pharmerica located at 83 Vermont Avenue, Unit 2, Warwick, RI at all relevant times outlined below.
3. On January 4, 2013 the Department conducted an inspection of Respondent's facility, Pharmerica, located at 83 Vermont Avenue, Unit 2, Warwick, RI and observed the following:
  - Respondent, on days and dates between 12/28/12 and 1/4/13, permitted individuals who were licensed Massachusetts Pharmacy Technicians to practice as pharmacy technicians and engage in the compounding of sterile pharmaceutical compounds at the Warwick, Rhode Island location without being licensed in Rhode Island in violation of R5-19.1-PHAR-27.1(9).

- Respondent failed to maintain the anteroom and sterile room in a clean, sanitary, and orderly manner to the degree mandated by R5-19.1-PHAR-13.4.
  - Respondent failed to conduct environmental surface and air monitoring for viable microorganisms on a monthly basis as required for medium risk sterile compounding in violation of R5-19.1-PHAR-19.28.
  - Respondent failed to submit documentation that Pharmerica's anteroom meets the minimum standards of an ISO class 8 environment in violation of R5-19.1-PHAR-19.26.
  - Respondent failed to conduct and maintain annual training competencies for staff performing sterile compounding prior to 2012 in violation of R5-19.1-PHAR-19.19.
4. On January 10, 2013 Respondent's license as a registered pharmacist was summarily suspended by the Department.

Pursuant to Section 5-19.1-21, this conduct constitutes unprofessional conduct in the State of Rhode Island.

The parties agree as follows:

1. Respondent is a registered pharmacist who is licensed and able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Department;

- b) The right to produce witnesses and evidence in his behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by the Department;
  - e) The right to further procedural steps except for those specifically contained herein;
  - f) Any and all rights of appeal of this Consent Order;
  - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
  - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
  - i) Any objection to the fact that the Department reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing.
  - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Department.
  6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
  7. Effective upon the date of ratification of this consent order by the Department, the Summary Suspension issued against Respondent on January 10, 2013 shall be vacated.
  8. Respondent agrees to a two (2) year period of stayed suspension of his registered pharmacist license, effective upon the date of ratification of this Consent Order.

9. Respondent agrees to a two (2) year period of probation of his registered pharmacist license. The probationary term is to commence upon ratification of this Order by the Board and will abate for the duration of any period in which Respondent ceases to be employed as a registered pharmacist in this State.
10. Respondent shall not serve as a Pharmacist-In-Charge ("PIC") of any pharmacy during his probationary term.
11. Respondent shall obtain an additional ten (10) "live" hours (1.0 CEUs) of continuing education credit in a subject matter pertaining to pharmacy or drug law and regulations within two (2) years of the ratification of this Order by the Board. These continuing education hours shall be in addition to those required under R5-19.1-PHAR-7.4 for Respondent's annual license renewal. Respondent shall submit to the Department, within two (2) years of the ratification of this Order by the Board, satisfactory evidence demonstrating completion of these 10 "live" hours (1.0 CEUs). All continuing education hours shall be from a recognized provider as defined by R5-19.1-PHAR-7.4.2.
12. Respondent shall obtain an additional ten (10) "live" hours (1.0 CEUs) of continuing education credit in a subject matter pertaining to USP <797> sterile compounding within two (2) years of the ratification of this Order by the Board. These continuing education hours shall be in addition to those required under R5-19.1-PHAR-7.4 for Respondent's annual license renewal. Respondent shall submit to the Department, within two (2) years of the ratification of this Order by the Board, satisfactory evidence demonstrating completion of these 10 "live" hours (1.0 CEUs). All continuing education hours shall be from a recognized provider as defined by R5-19.1-PHAR-7.4.2.
13. That upon a finding by the Board that Respondent has failed to comply with this consent order and or the laws and regulations governing the practice of pharmacy during his two (2) year probationary term, the stay

on the suspension of his license as set forth above is subject to, at the discretion of the Board and in accordance with RIGL § 42-35, being lifted and his license as a registered pharmacist may be suspended for a period of up to two (2) years.

14. Respondent shall, in writing, request relief from probation in order to return to active unrestricted status upon completion of the two (2) year period of probation. Once Respondent's request is approved by the Department, Respondent may return to full and unrestricted status provided that he operates in conformity with all laws and regulations governing the practice of pharmacy in this State.
15. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

1/22/13  
Date

Richard Mancini  
Richard Mancini, RPh  
License # RPH03616

Approved on this 23<sup>rd</sup> day of January 2013

Ratified on behalf of the board by,

Stephen A. Morris  
Stephen Morris, Esquire  
Deputy Chief Legal Counsel  
Rhode Island Department of Health