

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN PHARMACY

In the Matter of)
Richard Mancini) PHA-2013-0072
Registration No. PH22198)
Expiration Date: December 31, 2014)

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Pharmacy ("Board") and Richard Mancini ("Licensee"), PH22198, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. Licensee acknowledges that a complaint has been opened by the Board against his Massachusetts pharmacist license related to the conduct set forth in Paragraph 2, identified as Docket No. PHA-2013-0072.¹
2. The Board and Licensee acknowledge and agree to the following facts:
 - a. In December 2012 and January 2013, Licensee worked as a pharmacist and served as the Pharmacist In Charge of Pharmacy Corporation of America, Rhode Island registration number PHA00446, 83 Vermont Avenue, Unit 2, Warwick, Rhode Island ("Pharmerica Warwick").
 - b. Licensee entered into a Consent Order with the Rhode Island Board of Registration in Pharmacy on or about January 23, 2013 for permitting pharmacy technicians who were licensed in Massachusetts but not licensed in Rhode Island to engage in the compounding of sterile medications at Pharmerica Warwick; failing to maintain the anteroom and clean room of Pharmerica Warwick in a clean, sanitary, and orderly manner; failing to conduct environmental surface and air monitoring for viable microorganisms on a monthly basis as required for medium risk sterile compounding; failing to submit documentation that Pharmerica Warwick's ante room met the minimum standards

¹ The term "license" applies to both a current license and the right to renew an expired license.

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of an ISO class 8 environment; and failing to conduct and maintain annual training competencies for staff performing sterile compounding prior to 2012.

3. Licensee agrees that the conduct described in Paragraph 2(b) violated Rhode Island laws and regulations governing the practice of pharmacy and warranted discipline. Licensee further agrees this conduct is grounds for discipline in Massachusetts pursuant to M.G.L. c. 112, § 61 and 247 CMR 10.03(t).
4. Licensee agrees that his pharmacist license shall be placed on PROBATION for two (2) years ("Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date").
5. During the Probationary Period, the Licensee further agrees that he shall comply in all material respects with all laws and regulations governing the practice of pharmacy and the United States Pharmacopeia.
6. The Licensee agrees to submit documentation evidencing successful completion of 10 live contact hours of continuing education in the area of pharmacy law and 10 live contact hours of continuing education pertaining to sterile compounding on or before December 31, 2014. This continuing education shall be in addition to the continuing education required by 247 CMR 4.03.
7. The Board agrees that in return for Licensee's execution and successful compliance with the requirements of this Agreement it will not prosecute the Complaint.
8. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, and provided documentation to the Board of compliance with the Rhode Island Consent Order dated January 23, 2013, the Probationary Period will terminate two (2) years after the Effective Date upon written notice to the Licensee from the Board².

² In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

9. If the Licensee does not materially comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint³ during the Probationary Period, the Licensee agrees to the following:
- a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
 - i. EXTEND the Probationary Period; and/or
 - ii. MODIFY the Probation Agreement requirements; and/or
 - iii. IMMEDIATELY SUSPEND the Licensee's pharmacist license.
 - b. If the Board suspends the Licensee's pharmacy license pursuant to Paragraph 9(a)(iii), the suspension shall remain in effect until:
 - i. the Board provides Licensee written notice that the Probationary Period is to be resumed and under what terms; or
 - ii. the Board and Licensee sign a subsequent agreement; or
 - iii. the Board issues a written final decision and order following adjudication of the allegations (1) of noncompliance with this Agreement, and/ or (2) contained in the Subsequent Complaint.
10. Licensee agrees that if the Board suspends his pharmacist license in accordance with Paragraph 9, he will immediately return his current Massachusetts pharmacist license to the Board, by hand or certified mail. Licensee further agrees that upon said suspension, he will no longer be authorized to practice as a pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a pharmacist until such time as the Board reinstates his pharmacist license or right to renew such license.
11. Licensee understands that he has a right to formal adjudicatory hearing concerning the Complaint and that during said adjudication he would possess the right to confront and cross-examine witnesses, to

³ The term "Subsequent Complaint" applies to a complaint opened after the Effective Date concerning acts, omissions, or events occurring after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 et seq. The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.

12. The Licensee acknowledges that he has been represented by legal counsel in connection with the Complaint and this Agreement.
13. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
14. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal or judicial review.

Steph G 3/6/14
Witness (sign and date)

Richard Mancini 3/6/14
Signature and Date

Richard Mancini
Print Name
Richard Mancini

David Sencabaugh
David Sencabaugh, R. Ph.
Executive Director
Board of Registration in Pharmacy

3-11-14
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on 3/13/14 by
Certified *Attorney*
Mail No. 7010 1870 0602 2380 9859