

**STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH  
DIVISION OF CUSTOMER SERVICES  
BOARD OF PHARMACY**

**In the Matter of:  
JOHN W. MUCENSKI, RPH  
LICENSE NUMBER RPH02694  
COMPLAINT NUMBER C16-1186**

**VOLUNTARY SURRENDER ORDER**

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

1. Respondent is licensed as a pharmacist in the State of Rhode Island and holds license RPH02694. Respondent was employed as pharmacy manager at the University of Pittsburgh Medical Center ("UPMC") Cancer Center and holds pharmacist license RP033834R in the Commonwealth of Pennsylvania.
2. This order is based on the findings presented before the Board of Pharmacy in the Commonwealth of Pennsylvania.
3. An internal investigation conducted by the UPMC identified prescriptions issued and dispensed in the name of Andrea Mucenski which were alleged to be outside of an appropriate practitioner/patient relationship. Andrea Mucenski is the wife of Respondent.

4. Information from the investigation indicated that Respondent was a participant relating to the prescription activity involving Andrea Mucenski.
5. Andrea Mucenski was seen as a patient at UPMC St. Margaret's Hospital on 6/29/15. During medical history review she stated that she had not seen a physician in over 20 years, and listed multiple drugs she was currently taking, including controlled substances. When the physician asked how she was getting these drugs, it was indicated that the Respondent "took care of it." The internal investigation identified multiple prescriptions filled for Andrea Mucenski at the UPMC hospital pharmacy during the period of January 2010 through July 2015. Prescriptions filled for Andrea Mucenski were for controlled substances Hydromet (hydrocodone syrup) and Ativan (lorazepam), as well as non-controlled substances.
6. During a UPMC interview, Respondent stated that he had received prescriptions written by medical providers who had not seen Andrea Mucenski as a patient, and that as a "favor" he had asked and received prescriptions from medical providers.
7. Investigation revealed a total of 74 prescription orders, many containing multiple associated refills, for Andrea Mucenski during the period of 1/4/10 through 6/25/15. Documentation reflects that medications were dispensed at UPMC hospital pharmacy.
8. Medical practitioner Christopher Lindberg, a physician's assistant, told investigators that he prescribed various controlled substances to Andrea Mucenski after he was requested to do so by Respondent, and that Respondent would sometimes present him with pre-filled out prescription blanks for Andrea Mucenski and request that he sign these prescriptions.
9. On August 31, 2016, the Probable Cause Screening Panel of the State Board of Pharmacy in the Commonwealth of Pennsylvania ordered the temporary suspension of Respondent's pharmacist license RP033834R.
10. Based on these findings presented before the Board of Pharmacy in the Commonwealth of Pennsylvania, the Respondent is in violation of Rhode

Island Pharmacy Regulation R5-19.1-PHAR sections §27.1 (11) and §27.1 (6). By his actions, Respondent fails to meet the definition of pharmaceutical care in Rhode Island Pharmacy Regulations R5-19.1-PHAR.

Based on these findings, the Respondent agrees to the following conditions of this Order:

1. Respondent's license to practice pharmacy (RPH02694) in the State of Rhode Island is hereby surrendered. The voluntary surrender will remain in effect until reinstated by the State Board of Pharmacy in the Commonwealth of Pennsylvania. Respondent shall notify the Rhode Island Board of Pharmacy if granted reinstatement in the Commonwealth of Pennsylvania and may request reinstatement in Rhode Island.
2. Respondent agrees to comply with all of the terms and requirements contained in the order by the State Board of Pharmacy in the Commonwealth of Pennsylvania.

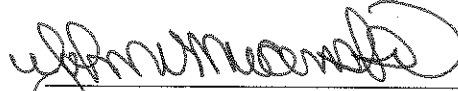
Based on the foregoing, the parties agree as follows:

1. Respondent is a registered pharmacist and is 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 Order and understands that it is a proposal of the Department and is subject to the final ratification by the Department. This 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 Order;
  - g) Any objection to the fact that this 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 Order;
  - i) Any objection to the fact that the Department reviewing this Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing; and
  - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Order to the Department.
5. This 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 Order constitutes an admission of the facts contained herein.
  7. Respondent hereby agrees to this voluntary surrender of his registered pharmacist license.
  8. That should Respondent violate the terms of this Order, Respondent shall be subject to further disciplinary sanctions.

12/29/16

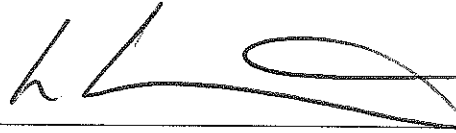
Date



John Mucenski, RPh  
License Number RPH02694

1/19/2017

Date



Leo Lariviere, RPh.  
Chairperson  
Rhode Island Board of Pharmacy

Ratified by the Board of Pharmacy on this 19 day of January, 2017.