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Physician Admits Writing Prescriptions in the Names of Patients to Obtain Drugs for His Own Use

By Department of Justice, US Attorney's Office

Friday, August 21, 2015

Falsely Represented to the Pharmacy He was Delivering the Prescriptions to Elderly Patients

Greenbelt, Maryland – Peter Wisniewski, age 52, of Huntingtown, Maryland, a physician in a Calvert County medical group, pleaded guilty today to three counts of possession of a controlled substance. Wisniewski admitted that he wrote prescriptions in the names of three of his patients for Oxycodone and Adderall that he then kept for his own use.

The guilty plea was announced by United States Attorney for the District of Maryland Rod J. Rosenstein; Special Agent in Charge Nicholas DiGiulio, Office of Investigations, Office of Inspector General of the Department of Health and Human Services; and Calvert County Sheriff Mike Evans.

According to his plea agreement, between March 2012 and April 2015, Wisniewski wrote prescriptions for Oxycodone and Adderall in the names of three elderly patients but kept the drugs for himself. Wisniewski caused the pharmacy to fill

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5 Star Rating

By Karen Steggerda

This October I attended the AHCA/NCAL National Convention in San Antonio, TX. While at the convention I was able to attend several education sessions. I must say, I thought the education sessions were very well presented and informative compared to some other years. One class I took was entitled "5 Star Rating". Here are highlights of **my notes** from the education session.

- *It is important to maintain a 3 star rating or higher
- *Get stars for state survey, staffing, and quality measures
- *A really bad survey will weigh on the overall score for 3 years
- *Bottom 43% ranked 1 and 2 stars. 20% 1 star and 23% 2 star. Top 10% are 5 Star.
- *G plus tags are equal to 1 or 2 stars
- *Keep survey score under 50 points.
- *Most deficiencies are associated where staff did not follow SNF policy, procedure, care plan or orders.

Please see *5 Star Rating* on page 3

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Knowing is not enough; we must apply. Willing is not enough; we must do.

Johann Wolfgang von Goethe

Tired to Inspired Education Session

By Karen Steggerda

Another education session I attend was called Tired to Inspired. It was about motivating our employees. The presenter's website is www.denisebscott.com if you want to follow her or get more information. Here are highlights of my notes from the education session.

*If staff feels invisible, we can't feel what we don't get and we won't be able to understand what we don't know.

*How to rekindle the passion in people? Tap into employees to transform the organization.

*Awaken people to how and why things should be different. Assess where strengths and opportunities are and align goals to reach those possibilities that exist. Anchor down the changes you make sustain the goals and changes.

Beyond Compliant

*People who are engaged are truly inspired to do well. Some people in our organization are not aligned with our company, with the goals, and our journey to the next level. Maybe we have to let them go?

Four step process for creating a better place to live and work

Step 1: Awaken

*Decrease turnover by increasing employee engagement. Happy employees stay at work and come to work more often. Productivity increases with employee

Please see *Tired to Inspired* on page 4

Aim for the moon.
If you miss, you
may hit a star.

W. Clement Stone

Physician Admits to Writing Prescriptions...from page 1

the prescriptions, and he picked up the prescriptions without the knowledge or authorization of the patients in whose names he had written the prescriptions. Wisniewski falsely represented to the pharmacy that as the prescribing physician he was collecting the prescriptions in order to deliver them to his elderly patients.

To conceal the scheme, Wisniewski created false entries in the medical files of the three patients in whose names he was writing the prescriptions. During the scheme Wisniewski obtained more than 8,000 Oxycodone pills written in the names of those three patients.

The determination of what sentence to impose will be made by the sentencing judge, subject to a maximum of three years in prison. In light of the facts of the case, which will be more fully explained at sentencing, the government agreed to recommend a sentence of three years of probation and a fine of at least \$40,000, which will be due on the date of Wisniewski's sentencing. In addition, Wisniewski will voluntarily surrender his DEA controlled substances license and will not practice medicine for at least two years. The decision whether to allow Wisniewski to practice medicine at all in the future must be made by the state medical board. U.S. District Judge Paul W. Grimm has scheduled sentencing for October 23, 2015 at 1:00 p.m.

United States Attorney Rod J. Rosenstein commended the Department of Health and Human Services Office of Inspector General and the Calvert County Sheriff's Office for their work in the investigation. Mr. Rosenstein thanked Assistant U.S. Attorneys Leah J. Bressack and Lindsay Eyler Kaplan, who are prosecuting the case.

Y-Comply

*Deann M. Baker, CHC, CCEP, CHRC
Compliance Professional*

Maya Angelou, an American author, once said, "When you know better, you do better." This is also the philosophy of organizations when assigning written standards for the workforce to review and acknowledge.

Written standards include the Standards for Business Conduct (SBC) (some call it a Code of Conduct) and policies and procedures. The SBC typically outlines the organization's compliance and ethics program structure; its purpose and resources; the organization's mission, vision, and goals; and some of the organization's higher risk areas that are further addressed in its policies and procedures.

Establishing and communicating written standards is one of the elements defined by the Federal Sentencing Guidelines (FSG) for effective compliance and ethics programs. The FSG states that organizations must demonstrate due diligence and promote a culture that encourages ethical conduct by defining policies and procedures to prevent and detect criminal conduct, by taking reasonable steps to communicate its policies periodically and in a practical manner, by conducting effective training programs, and by disseminating the information to appropriate individuals based on their roles and responsibilities.

What can happen if an organization's workforce doesn't review and acknowledge the assigned standards? If an organization comes under scrutiny, it may be required to demonstrate that it reasonably communicated to its workforce its standards regarding a risk area. If the tracking reports demonstrate that there was poor participation in the review and acknowledgment of the assigned standards, then the organization may not meet this element of compliance defined by the FSG. This could lead to consequences for the organization.

What have organizations done to encourage employees to participate in the review and acknowledgement of standards? Many organizations have implemented incentives, such as tying the completion of the review and acknowledgment of assigned standards to the annual performance review. If workforce members do not complete the assignment within the timeframe defined, they will not be eligible to receive a "meets performance objectives" review and will not receive a raise. Incentives help emphasize the importance of an area. It's most often true that what gets measured gets done.

What are the benefits of reviewing and acknowledging the organization's standards?

It empowers workforce members with knowledge regarding how to meet requirements, how to identify potential or actual risks, and how to know what resources are available to assist them. Therefore, they are able to be more successful in their roles and help the organization meet its mission. Completing the review of the organization's assigned standards helps everyone to know better, so they can all do better.

5 Star Rating from page 1

*If an organization has complicated orders, orders that don't work, documentation in 2 or more places, fix them because this is an easy way to get tags on things. We can be our own worst enemy.

*CMS plans to add additional quality measures to 5 Star process in 2016, such as in the areas of re hospitalization, discharge back to community, and other measures from the IMPACT act.

*PBJ: Payroll based journal

Won't start using PBJ for 5star until late 2017 or early 2018

What you do
today can
improve all your
tomorrows.

Ralph Marston

