

**New Jersey State Board of Pharmacy  
Minutes of The Open Session of  
January 8, 2003**

FINAL

**I. CALL TO ORDER**

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Anthony Alexander, in the Union Room, 3rd Floor at 124 Halsey Street, Newark, New Jersey on January 8, 2003 at 9:10 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

**II. SUNSHINE LAW ANNOUNCEMENT**

Anthony Alexander read a statement that newspapers and appropriate elected officials had been notified of the meeting according to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6.

**III. ROLL CALL**

**PRESENT:** Anthony Alexander, RPh, President  
Edward McGinley, RPh, Treasurer  
Sophie Heymann  
Richard Palombo, RPh  
Robert Kowalski, RPh  
Ira Katz, RPh - arrived at 9:25 A.M., left at 2:00 P.M. (Executive Session)  
Edith Tortora Micale, RPh - arrived at 9:20 A.M.  
Mona Doyle- arrived 9:35 A.M.  
Pamela Allen, RPh - left at the end of the Open Session

**OTHERS IN ATTENDANCE** Marianne Greenwald, Deputy Attorney General - arrived 9:25 A.M.  
Debora Whipple, Executive Director  
Marie Wondeh, Principal Clerk Stenographer

**IV. 1. APPROVAL OF FINAL OF OPEN SESSION MINUTES OF NOVEMBER 13, 2002**

Sophie Heymann moved, seconded by Richard Palombo to accept the minutes of November 13, 2002 as amended. The motion passed unanimously.

**IV. 2. APPROVAL OF DRAFT OF OPEN SESSION MINUTES OF DECEMBER 11, 2002  
MINUTES**

Sophie Heymann moved, seconded by Robert Kowalski to accept the minutes of December 11, 2002 meeting as amended. The motion passed unanimously.

**V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY  
RECIPROCITY, EXAMINATION AND GRADE TRANSFER**

Pamela Allen moved, seconded by Robert Kowalski, to approve the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

## **VI. VIOLATIONS PAID FOR THE MONTH OF DECEMBER 2002**

Robert Kowalski moved, seconded by Ira Katz to accept the memorandum of fines collected. The motion passed unanimously.

Sophie Heymann moved, seconded by Pamela Allen that the Enforcement Bureau Inspectors leave a copy of the new statutes and regulations booklet after each inspection. The motion passed unanimously.

The chair directed the Executive Director to direct all future letters of correction to the Continuous Quality Improvement Committee for review and action and to redact any confidential information prior to presenting them to the full board..

## **VII. OLD BUSINESS**

### **(1) SCRIPT PRO**

Rob Johnson and Sheri Garvin presented information and answered questions regarding Script Pro SP Central. Town and Country Pharmacy in Ridgewood is currently using their Automated Medication System. The Board President emphasized to Mr. Johnson that each New Jersey licensed pharmacy using their system must be inspected and must comply with the regulations in Subchapter 10 of N.J.A.C. 13:39.

## **VIII. NEW BUSINESS**

### **(1) NABP - Request for Board attendance by 2 members for review of State Specific Item Review questions of MPJE - January 31 to February 21, 2003, Orlando, Florida**

Sophie Heymann moved, seconded by Richard Palombo that Ira Katz should attend. The motion passed unanimously.

### **(2) SYNCOR PHARMACY SERVICES - Letter to bring attention to the Board of what they see as a contamination hazard within nuclear pharmaceutical industry**

Pamela Allen moved, seconded by Edward McGinley to have the Enforcement Bureau inspect the nuclear pharmacies in New Jersey to see what safeguards are being used to prevent contamination of the shielded delivery carriers (known in the industry as "pigs") when the used syringes are returned to the pharmacy. The Board specifically wants to know if each pharmacy is in compliance with the OSHA Bloodborne Pathogens Standard (29 CFR 1910.1030, specifically 1910.1030 (d)(4)(ii)©) and if their decontamination process is acceptable. These standards also address the need to have a process to ensure that employees are not at risk of percutaneous injury from the uncovered, contaminated needle on the returned syringe. The motion passed unanimously.

### **(3) NABP - Re: HIPAA Privacy Rule: Impact on State Board of Pharmacy Inspections and Prescription Monitoring Programs**

The DAG stated that in New Jersey the Bureau of Enforcement Inspectors and the Board Members are considered law enforcement officials and, therefore, are exempt from the disclosure requirement. The Board considered this an FYI.

### **(4) NACDS - Letter sent to Reni Erdos, Director, Division of Consumer Affairs re: Illegal Importation of Prescription Drugs**

The Board of Pharmacy does not have any jurisdiction in this matter since no dispensing is occurring. The chair directed the Executive Director to refer this to Laurie Goodman at the Division's Office of Consumer Protection, noting they would be well advised to conduct further investigation. The motion passed unanimously.

### **(5) Pamela Mandel, Esq. - Re: Proposed New Rule N.J.A.C. 13:39-5.8B**

The chair directed the Executive Director to notify Ms. Mandel that once the electronic regulations for physicians and practitioners are adopted, these standards will be the controlling standards for New Jersey pharmacists when filling prescriptions received from any state. All valid prescriptions may be electronically transmitted once the electronic regulations have been adopted. (the applicable regulation in the proposed electronic regulations for physicians is found in 13:35-7.4a).

## **IX. ADDITIONS TO THE AGENDA**

### **(1) Conference - National Patient Safety Foundation, March 12 - 15, 2003, Washington, DC**

Anthony Alexander moved, seconded by Edward McGinley to have Edith Micale attend the conference. The motion passed unanimously.

### **(2)Lil' Drug Store - Letter from President & CEO James M. Nikrant - Requesting they be allowed to change their packaging with the corporate logo "Lil' Remedy Store" to "Lil' Drug Store"stating that in the past New Jersey restricted the use of the word "drug" in the name**

Ira Katz moved, seconded by Edith Micale, to refer this to the Office of Consumer Protection as there is no statute under the Board of Pharmacy that would prohibit them from using the word "drug" on this product. Restriction of use of the word "drug" in N.J.S.A. 45:14-30 refers to use in a place of business. The motion passed unanimously.

### **(3) Continuing Education Report**

Robert Kowalski moved, Mona Doyle seconded to approve the report as presented. The motion passed unanimously

## **X. RECESS TO EXECUTIVE SESSION**

At 11:10 A.M., Edith Micale moved, seconded by Sophie Heymann for the Board to enter Executive Session to review 14 retail and IV permits and 14 inspections and 2 investigative inquiries. The motion passed unanimously

## **XI. ADJOURNMENT**

Sophie Heymann moved, seconded by Robert Kowalski, to adjourn the meeting at 2:25 P.M. The motion passed unanimously.

Respectfully submitted,

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Debra C. Whipple  
Executive Director