

# **New Jersey Board of Pharmacy**

## **Open Session Minutes of January 9, 2002**

### **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 Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on January 9, 2002 at 9:30 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, RP, President  
Edward McGinley, RP, Treasurer  
Pamela Allen, RP  
Edith Tortora Micale, RP  
Richard Palombo, RP  
Ira Katz, RP  
Mona Doyle  
Sophie Heymann-arrived at 9:40 A.M.  
Robert Kowalski, RP

#### **OTHERS IN ATTENDANCE:**

Marianne Greenwald, Deputy Attorney General  
Bernadette Dudek, Director's Office  
Debora Whipple, Executive Director  
Kathy Pierce, Clerical Assistant  
Marie Wondeh, Principal Clerk Stenographer

### **IV. APPROVAL OF OPEN SESSION MINUTES OF DECEMBER 12, 2001**

Edith Micale moved, seconded by Edward McGinley, to approve the Open Session Minutes of December 12, 2001 as amended. The motion passed unanimously.

### **V. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATIONS OF REGISTRATION AND GRADE TRANSFER**

Robert Kowalski moved, seconded by Edith Micale, to approve the Secretary's Report and Recommendation for Applications of Registration. The motion passed unanimously.

Robert Kowalski moved, seconded by Mona Doyle, to approve the candidates for grade transfer. The motion passed unanimously.

## **VI. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR REGISTRATION BY RECIPROCITY**

Robert Kowalski moved, seconded by Mona Doyle, to approve the Report and Recommendation for Applications for Registration by Reciprocity. The motion passed unanimously.

## **VII. VIOLATIONS PAID FOR THE MONTH OF DECEMBER 2001**

Pamela Allen moved, seconded by Robert Kowalski, to endorse the memo to Anthony Miragliotta regarding violations paid for the month of December 2001. However, in the future, the Board would like the memo to include the total amount due, the amount of each installment when the payment is made in installments, and the balance to date. The motion passed unanimously.

## **VIII. NEW BUSINESS**

1. Assembly, No. 3997, requiring criminal history record background checks for health care professionals

This bill was defeated in both houses of the legislature.

2. Assembly, No. 1043, requiring affidavit for malpractice action by a neutral licensed person showing that treatment, practice or work of a physical therapist, land surveyor, veterinarian, pharmacist, or insurance producer was unacceptable

This bill had already passed before the Board was asked for its endorsement.

Edith Micale moved, seconded by Richard Palombo, that the Board, when stating its opinion on legislation, use the standardized language of "support," "oppose" or "no action" accompanied by an explanation. The motion passed unanimously.

3. Walgreen's re: "Department" sign

Lewis O. Marks, R.Ph. wrote on behalf of the Walgreen Company for clarifications on three points:

(a) Can the word "department" be eliminated from the exterior sign for a retail pharmacy? The Board's reply was that it could be eliminated, as there is no requirement for the word "department" in the Board's regulations.

(b) Would Clinical Pharmacology Online be acceptable for all categories of reference materials required in the regulations? The Board's reply was that it is not acceptable by itself, as it does not cover the general practice of pharmacy. Another reference will be needed.

(c) If an electronic weighing device is acceptable, why would a set of metric weights also be required if the electronic device doesn't utilize weights? The Board determined that either electronic or metric devices are required, not both. Robert Kowalski moved, seconded by Richard Palombo, to initiate action to change the regulations, which currently require both types of devices. The Chair directed the Executive Director to thank Walgreen's for this correction.

4. Pathmark re: "Department" sign

Edith Micale moved, seconded by Robert Kowalski, that the previous motion addressed this question raised in a letter from Pathmark. The word "department" is not required with "pharmacy" for a retail pharmacy. The motion passed unanimously.

## **IX. FYI'S**

The Board received the following FYI's:

1. Smallpox response plan
2. ASHP Develops Statement on Pharmacist's Role in Terrorism Fight
3. NABP: list of online pharmacies selling antibiotics
4. FDA
  - A. Kava-related products-potentially liver damaging
  - B. Guidance on protection of children and adults against thyroid cancer in case of nuclear accident
  - C. New advisory subcommittee created on drug safety and risk management
  - D. FDA strengthens warnings for droperidol
  - E. FDA approves new anti-clotting drug
  - F. FDA National Pharmacy Compliance News
5. NCPA Newsletter
6. Carmen Catizone: Secretary's Mailbag

Edith Micale moved, seconded by Sophie Heymann, that the Board propose legislation similar to Governor Pataki's recent legislation, Chapter 348 of the Laws of 2001, which requires all out-of-state manufacturers, wholesalers and pharmacies, including Internet pharmacies wishing to ship drugs into the state. The motion passed unanimously.

## **X. EXECUTIVE DIRECTOR**

A reporter from the Star Ledger has asked for Board comment on the Schering-Plough statement regarding the distribution and privacy issues surrounding PEG-INTRON. The Chair directed the Executive Director to state that the privacy concerns involved are no different from the privacy concerns involved with insurance plans; Schering-Plough is acting in a responsible manner in this regard.

A second area introduced by Debora Whipple, Executive Director, was the concern of the Poison Control Center of New Jersey regarding pharmacies being cited for keeping outdated anti-venom serum. The Chair directed Ms. Whipple to ask the FDA for a statement in written form, permitting the dispensing and administration of the serum which has expired.

## **XI. DISCUSSION RE: MEDICATION ERRORS**

Edith Micale, as chairman of the Quality Assurance Committee, led the discussion. Members agreed that a medication tracking mechanism is needed to determine if the same pharmacies or the same pharmacists are making errors. They pointed out that complaints received by the Board represent only a small number of medication errors taking place. An "800 number" was suggested as a reporting mechanism that would protect anonymity. All agreed that counseling would eliminate many medication errors, as would the prescribing

physician's writing the diagnosis or reason for medication on the prescription. It was suggested that chain pharmacies be polled, as they are probably currently tracking errors by types.

The Quality Assurance Committee consists of Pamela Allen, Anthony Alexander, Sophie Heymann, and Edith Micale. The Enforcement Liaison is Richard Palombo and Edward McGinley. Edward McGinley moved, seconded by Edith Micale, to set up a meeting with a recommendation to the Board regarding the medication error reporting program from USP.

## **XII. CONTINUING EDUCATION APPROVALS**

Pamela Allen moved, seconded by Robert Kowalski, that Ira Katz's denial of credit to a course on "dying" should be changed so that the course is approved. They noted that a course on "privacy" had been approved. Also, the policy of the Board until the new statute is promulgated will be that a total of 30 credits of continuing education are necessary. The motion passed unanimously.

## **XIII. MEETING DATES 2002 (AMENDED)**

A new roster of meeting dates was reviewed. Members commented that the May 18th meeting was in conflict with the national meeting of the National Association of Boards of Pharmacy. The Executive Director was directed by the Chair to contact the NJSHP to so advise them that the Board will not be holding a Board meeting that day.

## **XIV. RECESS TO EXECUTIVE SESSION**

At 11:30 A.M., a motion was made by Pamela Allen, seconded by Richard Palumbo for the Board to enter Executive Session for the purpose of discussion of confidential matters relating to investigations of licensees and to receive advice and counsel in regard to these matters: to review retail and IV permits, six consumer complaints, and 10 mitigations.

## **XV. ADJOURNMENT**

The meeting was adjourned by acclamation at 4:30 P.M.

Respectfully submitted,

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Debora C. Whipple  
Executive Director