

**NEW JERSEY STATE BOARD OF PHARMACY  
OPEN SESSION MINUTES OF JANUARY 10, 2007**

**I. CALL TO ORDER**

The open meeting of the New Jersey Board of Pharmacy was called to order by Board Vice-President Thomas Bender in the Hudson Room, 6th floor at 124 Halsey Street, Newark, New Jersey on January 10, 2007 at 9:20 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

**II. SUNSHINE LAW ANNOUNCEMENT**

Thomas Bender read a statement that the 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. Chapter 231, PL 1975,/C. 10:4-18.

**III. ROLL CALL**

Thomas Bender, R.Ph. Vice President  
Pamela Allen, R.Ph.  
Peter Halecky, R.Ph.  
Elvy T. Paiva, R.Ph.  
Marc Sturgill, PharmD

**OTHERS IN ATTENDANCE**

Joanne Boyer Executive Director (left at 4:55 pm)  
Marianne Greenwald Deputy Attorney General  
Kiran Shamlall Clerk Typist (left at 4:30 pm)

**EXCUSED**

Edward McGinley, R.Ph President  
Jennifer Barron Government Member  
Margherita Lafragola, R.Ph.  
Thomas Egan, Pharm.D  
Axel Miranda Public Member

THE BOARD FUNCTIONED AS A COMMITTEE AND ALL ITEMS WILL BE BROUGHT BACK BEFORE THE FULL BOARD AT THE JANUARY 24, 2007 MEETING FOR RATIFICATION.

**IV. UPDATE BY EXECUTIVE DIRECTOR**

Joanne Boyer, Executive Director, reported that following:

- a) Fines and penalties collected for the month of December – \$32,933
- b) Licenses issued: 36 by examination/score transfer, 14 via reciprocity In addition 6 pharmacists either reinstated or reactivated their license
- c) Assembly Bill A1056, which adds two members to the Board of Pharmacy, passed in the Assembly on 12/14/06 by a vote of 75-4-0 and was received in the Senate on 12/14/06 and referred to the Senate Commerce Committee
- d) Reviewed new application and guidance document for licensure by examination or score transfer

## **V. CONTINUING EDUCATION REPORT**

Elvy Paiva moved, seconded by Pamela Allen, to accept the Continuing Education Report of December 2006. The motion passed unanimously.

## **VI. OLD BUSINESS**

1) James DeCoursin, President & CEO, Syncom Pharmaceuticals, Fairfield, NJ – Regarding the processing of prescriptions for a brand of levothyroxine This item was last before the Board on 11/29/06 at which time the Board requested additional information

As per advise of counsel, the Acting Chair, Thomas Bender, directed to move this item into the Executive Session.

2) Loretta Brickman, R.Ph., Essex County College, Pharmacy Technician Certificate Program – Response to comments regarding Board member review of submitted materials

The DAG advised Ms. Brickman that the Board is only allowed to approve training programs. The DAG will re-review the Kenneth W. Schafermeyer training program, which has already been approved, and report her findings back to the Board.

## **VII. NEW BUSINESS**

1) Julius E. Bliach & Alina M. Marin-Bliach, Marin Pharmacy, West New York, NJ – Transfer of ownership and requesting that same permit number be retained Pamela Allen moved, seconded by Elvy Paiva, to approve the respondent's request for transfer of ownership and retention of the same permit number. The motion passed unanimously.

2) Robert Milner, RXD Pharmacies (4 locations) –Transfer of ownership and requesting that same permit number be retained Elvy Paiva moved, seconded by Pamela Allen, to approve the respondent's request for transfer of ownership and retention of the same permit number. The motion passed unanimously.

3) Anonymous – Requesting Board opinion on partnering with Secure Telemedicine As per advise of counsel, the Acting Chair directed to move this item into the Executive Session.

4) Eric Sorkin – Request for reinstatement The Acting Chair directed the Executive Director to obtain the following information: the status of any other pharmacy licenses held by the respondent, a written statement of good cause as to why his license is to be reinstated and details of his current employment.

5) Sandra Samuels, M.D., Rutgers University Health Center, Newark, NJ – Requesting a waiver of NJAC 13:39 – 4.10(a) for Rutgers Newark Campus Pharmacy, Newark, NJ Marc Sturgill was recused due to his affiliation with Rutgers University. Peter Haleckly moved, seconded by Elvy Paiva to grant a waiver of 13:39 – 4.10(a) for 30 days and to issue a warning for failure to notify the Board of a reduction in hours in a timely manner. The vote was 3-1. The matter regarding not being fully operational will be brought back before the Board for further discussion.

6) Patricia Yoczis, R.Ph. – Requesting approval as a CE course the 12th Annual Citizen Police Academy, held once weekly 9/6/06 thru 11/8/06 Pamela Allen moved, seconded by Elvy Paiva, to deny the respondent's request for approval of his CE course since it does not directly relate to the practice of pharmacy in New Jersey. The motion passed unanimously.

7) Gayza Gastell, Owner (50%), Mi Farmacia, Union City, NJ – Transfer of ownership and requesting that same permit number be retained Elvy Paiva moved, seconded by Peter Halecky, to approve the respondent's request for transfer of ownership and retention of the same permit number. The motion passed unanimously.

8) Samuel R. Rowley, Esq., representing pharmacies in New Jersey – Requesting Board opinion on options regarding competitor’s \$4 generic pricing and if in violation of NJSA 45:14 – 65 As per advise of counsel, Pamela Allen moved, seconded by Peter Halecky, to advise the correspondent that this is a violation of N.J.S.A. 45:14-65. The Board advised that they may lower the price for all consumers but are prohibited from giving discounts to specific individuals. The motion passed unanimously.

### **VIII. MITIGATIONS**

1) John Nycz, RPIC, Pathmark Pharmacy, Hackensack, NJ Peter Halecky moved, seconded by Elvy Paiva, to mitigate the \$200 for N.J.S.A.45:14-14(a)10 and N.J.A.C.13:39-5.8(a)1. The motion passed 4 to 1. Peter Halecky moved, seconded by Elvy Paiva, to deny the request for mitigation of the \$250 penalty for violation of N.J.A.C.8:65-7.8(e). The motion passed 4 to 1.

### **IX. COMMITTEE REPORTS**

N/A

### **X. APPROVAL OF MINUTES**

1) December 13, 2007

This item has been rescheduled for the next meeting.

### **XI. ADJOURNMENT**

At 11:25 a.m., Marc Sturgill moved, seconded by Elvy Paiva, to enter into the Executive Session to review (6) consumer complaints, (3) Old Business, (5) New Business, (6) Retail and IV Permit Reports, (16) Inspection Reports and (2) Investigative Inquiries. The motion passed unanimously.