

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF OPEN SESSION
January 12, 2005**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Union Room, 3th Floor at 124 Halsey Street, Newark, New Jersey on January 12, 2005 at 9:08 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen 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., Chapter 231, PL 1975, /C. 10:4-18.

III. ROLL CALL

Pamela Allen, R.Ph. President
Anthony Alexander, R.Ph.
Mona Doyle Public Member (left at 3:45 p.m.)
Sophie Heymann Public Member
Ira Katz, R.Ph. (arrived at 11:22 a.m., left at 3:30 p.m.)
Robert Kowalski, R.Ph. Government Member (Left at 3:30 p.m.)
Edith Tortora Micale, R.Ph.
Richard Palombo, R.Ph. (Arrived at 9:12 a.m.)

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General
Joanne Boyer, R.Ph. Executive Director
Shonnette Messiah Principal Clerk Stenographer
Kiran Shamlall Assistant Clerk Stenographer

EXCUSED:

Edward McGinley Vice-President

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

Anthony Alexander moved, seconded by Mona Doyle to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Robert Kowalski moved, seconded by Sophie Heymann to accept the Continuing Education Report. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF DECEMBER

Robert Kowalski moved, seconded by Sophie Heymann to accept the Violations Paid for the month of December. Edith T. Micale asked that the totals be rechecked and, if needed, corrected. The motion passed unanimously.

VII. OLD BUSINESS

1) David Miller, R.Ph., Miller's Pharmacy, Wyckoff, NJ – Requesting Board opinion before proceeding with remodeling

This item was originally before the Board on 9/10/03 at which time the Board decided to table the item until an inspection report was available. Mr. Miller does not want to proceed with the remodeling until the Board gives tentative approval for his proposal.

The Board would like Mr. Miller to attend a future meeting to explain his case, if he is still interested in having this matter reviewed.

2) TSE Interview - Ms. Svetlana Parnyuk

Robert Kowalski moved, seconded by Edith T. Micale to grant Ms. Parnyuk the waiver of the TSE. Ms. Parnyuk was notified that she may not be able to reciprocate her license to other states. The motion passed unanimously.

3) Update on status of miscellaneous old business items

- The Sunset rules and regulations will be printed in the 1/18/05 New Jersey Register for adoption.
- The Fee-for-Service regulations are currently being reviewed by the Division of Law & Public Safety
- Assembly Bill A3177 and Senate Bill 1753, which establish licensing requirements and standards for pharmaceutical wholesale distribution, have been amended. These will be placed on the next meeting agenda for review and comment by the Board.
- The January newsletter is at the printers and should be mailed later this month.
- The deadline for submission of the April newsletter is March 1st, 2005.

VIII. NEW BUSINESS

1) Joseph DiCubellis, R.Ph., Director of Pharmacy services, Monmouth Medical Center, Long Branch, NJ – requesting a waiver of N.J.A.C. 13:39 – 3.18(b)

Edith T. Micale moved, seconded by Robert Kowalski to grant the waiver to allow each of the on-site institutional pharmacies at Monmouth Medical Center, Kimball Medical Center and Clara Maass Medical Center and Union Hospital to provide pharmaceutical services for the LTCH patients within their respective facilities under their current institutional license and pharmacist-in-charge, if legally feasible. The motion passed with a 5 to 1 vote. The D.A.G. will research the legality of this option. Pamela Allen was recused due to her employment with the Saint Barnabas Health Care System.

2) Board review of Preceptor Evaluation form for interns

Sophie Heymann moved, seconded by Robert Kowalski to accept the concept of the Preceptor Evaluation form that was presented to the Board. In addition, Edith T. Micale and the Executive Director will finalize the form based on the Board's comments. The motion passed unanimously.

3) NABP – Distribution of NAPLEX/MPJE Registration Forms

This item was treated as an FYI.

4) Heidi Stokes, Director of Government Affairs, IPA – Requesting Board opinion on advertising

The Chair directed that this be referred to the Division of Law and Public Safety for review and to determine if this is considered advertising or steering.

5) NABP – Requesting nominations for Honorary President, Lester E. Hosto Distinguished Service Award and

Fred T. Mahaffey Award

This item was treated as an FYI. Richard Palombo was asked to recommend to NABP that they distribute this request to the Boards of Pharmacy earlier than December next year.

6) Barrie Levine, Drug Fair, Somerset, NJ – Regarding advertisement by Texas Road Pharmacy

This item has been moved to the Executive Session for advice of counsel.

7) Review of Out of State Pharmacy application

Robert Kowalski moved, seconded by Anthony Alexander to accept the out-of-state pharmacy application as presented. The motion passed unanimously.

8) Review of Application to Conduct a Centralized Prescription Handling Service

Based on discussion and recommendations for changes, the application will be modified and will be placed on a future agenda for review by the Board.

9) Nancy Patterson, Enforcement Bureau – Requesting that Mosby's Drug Consult be classified as an approved text in the Comprehensive Pharmaceutical Reference category.

Robert Kowalski moved, seconded by Mona Doyle to accept Mosby's Drug Consult as an approved text in the Comprehensive Pharmaceutical Reference category. The motion passed unanimously.

10) Dan Taylor, Phillipsburg Pharmacy, Phillipsburg, NJ – Regarding the requirement by the Lopatcong Township Fire Prevention Bureau that a key for the pharmacy be kept in a Knox Box (which is on the outside of the pharmacy) for fire department emergency entrance.

Richard Palombo moved, seconded by Robert Kowalski that the Knox Box for Phillipsburg Pharmacy, is acceptable. The Chair would like to refer this item to the Rules and Regulations Committee for language. The motion passed unanimously. The Chair referred this item to the Rules and Regulations Committee to consider adding a regulation to allow for these boxes when required by the local government.

11) Review and approve renewal application for pharmacies

The Board has no comments on this item and does not understand it; the questions appear to be applicable to pharmacists, not pharmacies. The D.A.G. will further research this item.

12) Request by Medco to Donate Medications to AmeriCares

Mona Doyle moved, seconded by Anthony Alexander, to approve Medco's request to donate critically needed generic medications from their Willingboro, NJ pharmacy to AmeriCares to support the tsunami relief efforts in Southeast Asia. There will be no controlled substances donated. The motion passed unanimously. Richard Palombo was recused due to his employment with Medco.

IX. CONFERENCES

N/A

X. COMMITTEE REPORTS

1) Pharmacy Practice Act – Technician Workgroup

Anthony Alexander moved, seconded by Robert Kowalski to accept the revised Minimum Criteria for Technician Training Program Content grid. The Pharmacy Technician Training programs are for those pharmacies who have a greater than 2 to 1 ratio for technicians to pharmacists. The motion passed unanimously.

Edith T. Micale, Edward McGinley, Richard Palombo, Robert Kowalski and Anthony Alexander all reviewed all reviewed training manuals that had been submitted by various companies. Each of them completed and forwarded the Minimum Criteria for Technician Training Program Content grid to the Executive Director in order for her to notify the pharmacies of missing items. Upon submission of the missing items, the training programs will be reviewed for completeness.

2) Pharmacy Practice Act – Collaborative Practice Workgroup- Pamela Allen
and

3) Pharmacy Practice Act – Immunization Workgroup-Ira Katz

The Chair will write a letter to the BME requesting a report on the status of the Collaborative Practice and Immunization draft regulations.

4) CQI- Richard Palombo

Richard Palombo moved, seconded by Sophie Heymann to have the Board send a letter to the sponsors of the Patient Safety Act and ask that it be amended to include all pharmacies. The motion passed unanimously.

XI. APPROVAL OF MINUTES

1) December 15, 2004

Sophie Heymann moved, seconded by Robert Kowalski to accept the December 15, 2004 open minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 12:00 p.m., Sophie Heymann moved, seconded by Robert Kowalski to move into the executive session to review (7) complaints, (8) inspection reports, (12) retail and IV permits. The motion passed unanimously.

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