

FINAL

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION OF JANUARY 14, 2004**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Edward McGinley in the Essex Room, 7th Floor at 124 Halsey Street, Newark, New Jersey on January 14, 2004 at 9:04 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley 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

Present:

Edward McGinley, R.Ph President
Edith Micale, R.Ph Treasurer (left at 2:00 p.m.)
Anthony Alexander, R.Ph
Pamela Allen, R.Ph (Arrived at 9:10 a.m.)
Mona Doyle Public Member (Left at 3:50 p.m.)
Sophie Heymann Public Member
Ira Katz, R.Ph (Left 3:30 p.m.)
Robert Kowalski, R.Ph
Richard Palombo, R.Ph

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General (Arrived at 9:15 a.m. & left at 3:00 p.m.)
Joanne Boyer, R.Ph Executive Director
Shonnette Messiah Principal Clerk Stenographer
Kiran Shamlall Assistant Clerk Stenographer
Nancy Costello Miller Deputy Attorney General (Filled in for Marianne Greenwald at 3:00 p.m.)

IV.1 APPROVAL OF MINUTES DRAFT OF DECEMBER 10, 2003

Robert Kowalski moved, seconded by Anthony Alexander, to accept the draft minutes of December 10, 2003 as amended. The motion passed unanimously.

IV.2 APPROVAL OF FINAL MINUTES OF NOVEMBER 19, 2003

Edith Micale moved, seconded by Robert Kowalski, to accept the minutes of November 19, 2003 as amended. The motion passed unanimously.

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

Sophie Heymann moved, seconded by Edith Micale, to accept the Secretary@s Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer as amended. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF DECEMBER, 2003

Anthony Alexander moved, seconded by Richard Palombo, to accept the Violations Paid for the month of December, 2003. The total for the month was \$13,833.17 The motion passed unanimously.

VII. OLD BUSINESS

(1) Heidi Stokes, Director of Government affairs, Independent Pharmacy Alliance of America, Inc. - Return goods policy

This was originally put before the Board on 5/28/03 and again on 8/13/03. At that time it was requested that the specific regulations regarding the return of outdated drugs be obtained from North Carolina. It was noted that the Board of Pharmacy currently has no regulatory jurisdiction over pharmaceutical manufacturers products nor control of product selection.

Pam Allen moved, seconded by Edith Micale to support the NCPA Resolution No. 2 that was approved by the House of Delegates during the NCPA Annual Convention and Trade Exposition on October 22,2003 which states that NCPA will develop a model state return goods law for consideration by state legislatures. DAG advised that the matter should be referred to the Department of Health Liaison Committee. The motion passed. Mona Doyle and Sophie Heymann go on record as opposing this decision.

(2) Prescriptive Authority

Update by Executive Director on Board's request to obtain clarification on prescriptive authority for other healthcare licensees.

The Board requested a change in the format and also requested that footnotes be added where appropriate. This item will be re-agendized for the January 28, 2004 meeting.

(3) Pharmacy Support Personnel/Technician

Richard Palombo to provide an update.

The Board amended the Proposed Technician Exclusion from Ratio Requirements. Richard Palombo is to revise and to bring back this item for Board review.

(4) Proposed Board Meeting Dates - 2004

The Board agreed to the proposed Board meeting dates of 2004. Dean Colaizzi was requested to review Board meeting dates and inform Executive Director of a date when a Board meeting could be held at the College of Pharmacy.

(5) Clarification/Correction Outlined in the December 10, 2003 minutes - RE: Criminal background history

Recently there has been an implementation of criminal background history check for all licensures applicants. If applicants have a past criminal history, it is sent to Division of Consumer Affairs and then the Board for review. Note, DUI's are not be considered a criminal act, but are considered a motor vehicle violation.

(6) NJ Formulary- This item was discussed in the August 13, 2003 Board Meeting

The formal position of the Board is as follows:

Richard Palombo moved, seconded by Pamela Allen, to recommend the Orange Book as the NJ Formulary. The Board

did consider incorporating the existing approved drug list but it becomes problematic to upkeep. The motion passed unanimously.

VIII. NEW BUSINESS

(1) John L. Colaizzi, Dean, Ernest Mario School of Pharmacy, Rutgers - The State University of New Jersey, Piscataway, NJ

The Board requested Dean Colaizzi to appear before the Board to discuss the 7 Advanced Practice Experiences required by the Rutgers School of Pharmacy.

Dean John L. Colaizzi and Vice-Chair, Dr. Lois Jessen of the Rutgers Pharmacy program reviewed the Pharm.D. curriculum and answered Board Member's questions. Lois Jessen provided in-depth information regarding the seven 5 week rotations including approval of preceptors and student evaluations. It was noted that 1000 of the 1400 required hours involved direct patient care and a minimum of 200 hours are in a retail setting. Dr. Jessen stated her belief that the longitudinal assessment for preceptors and students is more effective than the intern logs. In addition, Dr. Jessen welcomed any suggestions by the Board on the matter of potential Advanced Practice Experience sites.

(2) Marcell J. Brown, Corporate Compliance Office, Camden County Health Services Center, Blackwood, NJ - N.J.A.C. 13:39 - 9.7(e) Waiver Request-To Dispense Medication At Time of Discharge.

Requesting a waiver allowing dispensing of medications at the time of discharge.

Pursuant to N.J.S.A. 45:14-26.1, the Board cannot approve a waiver. The Board suggests that Mr. Brown explore dispensing under the direction of the Medical Director at the Center.

(3) Edgewood Pharmacy, Warren, NJ, N.J.A.C. 13:39 - 7.5 Waiver Request

Richard Palombo moved, seconded by Robert Kowalski to grant a waiver for a sink in their prescription area as requested. The motion passed unanimously.

(4) David W. Cunningham, Trialcard, Cary, NC

Requesting Board approval to allow SampleCard program to be utilized in the state of New Jersey. Mr. Cunningham was scheduled to appear to discuss the program, but was absent. The Executive Director is to contact Mr. Cunningham and reschedule for the January 28, 2004 Board Meeting.

(5) Stephen Indelicato, Director, Pharmacy Service, Bergen Regional Medical Center, Paramus, NJ , Waiver request to dispense greater than a 24-hr supply of medications.

The Chair directed that the Board has no jurisdiction over this matter and this item should be forwarded to The Department of Health.

(6) Elzbieta Markowicz, Requesting waiver for TSE exam

Ms. Markowicz was interviewed by TOEFL/Waivers Committee members Sophie Heymann and Ira Katz who recommended that the waiver be granted. Mona Doyle moved, seconded by Richard Palombo to grant the waiver. The motion passed unanimously.

IX. ADJOURNMENT

At 11:45 a.m. Robert Kowalski moved, seconded by Anthony Alexander to enter into the Executive session to review (22) complaints, (50) inspection reports, (19) IV permits, and (6) mitigations. The motion passed unanimously.