

**NEW JERSEY STATE BOARD OF PHARMACY
MINUTES OF THE OPEN SESSION
JANUARY 14, 2009**

I. CALL TO ORDER

The Open Meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on January 14, 2009 at 9:22 a.m. All members were duly notified of the time and place and all pertinent materials were provided to the members.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley, President read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Meetings Act N.J.S.A., Chapter 231, PL 1975,/C. 10:4-8

III. ROLL CALL

Edward G. McGinley, R.Ph. President
Thomas Bender, R.Ph. Vice President
Pamela Allen, R.Ph.
Peter Halecky, R.Ph.
Margherita LaFragola , R.Ph.
Elvy T. Paiva, R.Ph.
Marc Sturgill, R.Ph.

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Jodi Krugman, Esq. Deputy Attorney General

EXCUSED

Richard Palombo, R.Ph.

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director announced that \$18,830.50 was collected in fines and penalties during December, 2008. The following permits/licenses/registrations were issued during the month of December, 2008:

- Technicians – 2,540
- Pharmacists – 40 (26 by examination/score transfer, 14 by reciprocity)
- Out of state pharmacies – 18
- In state pharmacies – 9

V. OLD BUSINESS

N/A

VI. NEW BUSINESS

1) Robert Elker, Deputy Chief, Enforcement Bureau – Request for clarification on gratis distribution of "not for sale" items by pharmacies

Elvy Paiva moved, seconded by Margherita LaFragola that the matter described in Mr. Elker's correspondence is not in violation of NJSA 45-14 -- 65e because it is not tied to a prescription and is offered to anyone. The motion passed unanimously.

2) Philip P. Burgess, R.Ph., MBA, National Director, Pharmacy Affairs, Walgreens, Deerfield, IL – Regarding their "Sticklerless" initiative Elvy Paiva and Thomas Bender were recused due to their affiliation with Walgreens.

Pamela Allen moved, seconded by Marc Sturgill that the initiative, as presented, meets the requirements of NJAC 13:39 -- 7.6(b). It is requested that if this matter is presented to New Jersey Medicaid and issues are identified that the Board be notified. The motion passed unanimously.

3) Juan Molyneaux, R.Ph. – Request to revise restrictions of Consent Order filed 9/13/05

Thomas Bender moved, seconded by Elvy Paiva to remove items 2 and 3 from the Consent Order filed in the Board office 9/13/2005. The motion passed unanimously.

4) John Giampolo, CEO, IPA, Cranbury, NJ – Regarding offers of free antibiotics to consumers by Stop & Shop, Wegmans, and Shop Rite pharmacies.

DAG Krugman requested additional time to research legislative and case history regarding this matter.

VII. MITIGATION/ HEARING REQUESTS

1) Vrajesh Desai, RPIC, Hoffman Pharmacy, Laurence Harbor, NJ

Pamela Allen moved, seconded by Marc Sturgill that there is no cause for further action and the UPL which had been issued is now rescinded. The motion passed unanimously.

2) John Shalhoub, RPIC/Owner, Midtown Pharmacy, Bayonne, NJ

Peter Halecky was recused due to a professional relationship with Mr. Shalhoub and Thomas Bender was recused due to a personal relationship with Mr. Shalhoub.

Pamela Allen moved, seconded by Elvy Paiva to deny the request for mitigation of the following: the \$1,000 fine imposed pursuant to NJAC 8:65 -- 5.7, the \$25 fine imposed pursuant to NJAC 13:39 -- 7.12(a)3 and the \$100 fine imposed pursuant to NJAC 13:39 -- 7.19(c)1. The Board determined to mitigate the following: the \$500 fine imposed pursuant to NJAC 13:39 -- 6.2(f) and the warning imposed pursuant to NJAC 13:39 -- 6.2(f)4 & NJAC 8:65 -- 2.5(d). The motion passed unanimously.

3) Vincent Marone, RPIC/Owner, Marone Pharmacy, Glassboro, NJ This matter was last before the Board on 12/10/08 at which time it was determined to reschedule the matter.

Margherita LaFragola moved, seconded by Thomas Bender to deny the request for mitigation of the \$250 fine imposed pursuant to NJAC 13:39 -- 7.12(A)13i. The motion passed 5-2.

VIII. COMMITTEE REPORTS

1) Immunization Committee

Marc Sturgill, Committee Chairperson, reported that the Committee recommends that publishing a list of acceptable providers in CPR or BLS would inevitably exclude a provider that should be deemed acceptable. The Committee will also be outlining the minimum requirements of acceptable training programs in immunizations.

IX. APPROVAL OF MINUTES

1) December 10, 2008

Marc Sturgill moved, seconded by Margherita LaFragola to approve the minutes as amended. The motion passed unanimously.

X. ADJOURNMENT

At 11:02 am Elvy Paiva moved, seconded by Peter Halecky to move into Executive Session for the review of 8 Complaints, 2 Old Business items, 5 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, and approval of minutes. The motion passed unanimously