

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES
JANUARY 23, 2008**

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 23, 2008 at 9:05 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

Mr. 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.
Jennifer DeVenio Government Member
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Peter Halecky, R.Ph.
Richard Palombo, R.Ph.

OTHERS IN ATTENDANCE

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

EXCUSED

Marc Sturgill, R.Ph.
Axel Miranda Public Member

IV. UPDATE BY EXECUTIVE DIRECTOR

N/A

V. CONTINUING EDUCATION REPORT

N/A

VI. OLD BUSINESS

Pamela Allen moved, seconded by Thomas Bender to move item VI(1), VII(2), VII(3) and VII(4) into Executive Session for advice of counsel. The motion passed unanimously.

At 11:33 am, Pamela Allen moved, seconded by Elvy Paiva to move back into Executive Session. The motion passed unanimously.

1) Nehru B. Gaddipati – Request for waiver of FPGEC certificate This matter was last before the Board on 9/12/07 at which time the Board determined to deny his request due to insufficient cause

Elvy Paiva and Thomas Bender were recused due to their affiliation with Walgreens.

Richard Palombo moved, seconded by Margherita LaFragola to deny Mr. Gaddipati's request for a waiver due to failure to show good cause. He should follow the normal process for licensure by a foreign graduate. The motion passed unanimously.

2) Satish Shah – Regarding request for modification of Reinstatement Order This matter was last before the Board on 9/26/07 at which time the Board requested a chronological history of Mr. Shah's activities related to the Consent Order

Elvy Paiva moved, seconded by Peter Halecky to remove the restrictions noted in his Reinstatement Order. This will be done via a Consent Order. The motion passed 7 – 1.

VII. NEW BUSINESS

1) Sukrut Shah – Reciprocity candidate requesting a waiver of NJAC 13:39 – 3.2(a)3

Peter Halecky moved, seconded by Elvy Paiva to have Mr. Shah submit his CV and a detailed job description for his position as clinical research scientist at Merck & Co. to see if this qualifies as the practice of pharmacy. The motion passed unanimously.

2) Hoda Khalil Zaky – Foreign graduate requesting a waiver of TOEFL IBT as stated in NJAC 13:39 – 2.9c

Jennifer DeVenio moved, seconded by Thomas Bender to deny Ms. Zaky's request for a waiver due to failure to show good cause. The motion passed unanimously.

3) Haroun Karass – Foreign graduate requesting a waiver of TOEFL IBT as stated in NJAC 13:39 – 2.9c

Thomas Bender moved, seconded by Margherita LaFragola to deny Mr. Karass's request for a waiver due to failure to show good cause. The motion passed unanimously.

4) Noha Faltas – Reciprocity candidate (foreign graduate) requesting a waiver of TOEFL IBT as stated in NJAC 13:39 – 2.9c Pamela Allen was recused due to a letter of support for Ms. Faltas submitted by an employee of the St. Barnabas Healthcare System

Richard Palombo moved, seconded by Elvy Paiva to deny Ms. Faltas's request for a waiver due to failure to show good cause. The motion passed unanimously.

5) Decision in the case of Wedgewood Village Pharmacy, Swedesboro, NJ v Drug Enforcement Agency

The Board accepted this as informational.

6) Gabriela Kostikova – Foreign graduate requesting credit for intern hours obtained prior to submission of intern application Application submitted 10/19/07 Elvy Paiva and Thomas Bender were recused due to their affiliation with Walgreens

Pamela Allen moved, seconded by Margherita LaFragola to deny Ms. Kostikova's request for a waiver due to failure to show good cause. The motion passed unanimously.

7) Joanna Louie, PharmD, CCRC, Manager IDS, Atlantic Health Clinical Research, Morristown, NJ – Requesting Board to grant law credits for a previously ACPE approved program with the designation of "04"

Pamela Allen moved, seconded by Elvy Paiva to approve this program (on an individual basis) for pharmacy law credit provided that Ms. Louie submits the Request by Pharmacist for Approval of a non-ACPE Program for Continuing Education Credit form, pays the appropriate fee and provides proof of attendance. The motion passed unanimously.

8) James Chen, R.Ph. – Reinstatement applicant (license expired greater than 5 years) requesting that his NAPLEX score taken in 2004 for licensure in California be accepted in lieu of retaking the NAPLEX

Pamela Allen moved, seconded by Peter Halecky to have Mr. Chen apply for licensure via reciprocity from California. The motion passed unanimously.

9) Steven Kim – Request for reinstatement

Peter Halecky moved, seconded by Thomas Bender to approve Mr. Kim’s request for reinstatement with the following conditions:

- he may not be a preceptor or RPIC for 3 years
 - he is to submit proof of completion of 30 CE credits consistent with the requirements in NJAC 13:39 – 3A.1(a)
 - pay reinstatement and renewal fee as noted in NJAC 13:39 – 2.17(c)2&3
 - he must show a copy of the reinstatement order to his employer and the employer is to notify the Board that they have seen the order
- The motion passed 7 – 1.

VIII. MITIGATION/ HEARING REQUESTS

1) Kenneth Chu, R.Ph, Friendly Pharmacy, Jersey City, NJ
Regarding Complaint from Erica Banks

The Chair directed that Mr. Chu’s request for a hearing be referred to the DAG for follow-up.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) November 28, 2007

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

2) January 9, 2008

Thomas Bender moved, seconded by Richard Palombo to approve the minutes as amended. The motion passed unanimously.

XI. ADJOURNMENT

At 10:30 am Pamela Allen moved, seconded by Thomas Bender to move into Executive session for the review of 4 complaints, 3 Old Business items, 8 New Business items, Secretary’s Report and Recommendation on Retail and Institutional Permits, Secretary’s Report and Recommendation on Inspection Reports, 2 Investigative Inquiries and approval of minutes. The motion passed unanimously.