

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES JANUARY 25, 2006**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board President Pamela Allen in the Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on January 11, 2006 at 9:09 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 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

Pamela Allen, R.Ph President
Edward McGinley, R.Ph Vice-President
Jennifer L. Barron Government Member
Thomas Bender, R.Ph
Marc Sturgill, Pharm. D
Elvy T. Paiva, R.Ph
Thomas Egan, Pharm.D 9:44 a.m.
Axel Miranda 9:31 a.m.
Peter Halecky, R.Ph.

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Susan Flores Principal Clerk
Kiran Shamlall Clerk Typist

EXCUSED:

Margherita Lafragola, R.Ph
Sy Larson, PH.D Public Member

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

Elvy Paiva moved, seconded by Jennifer Barron to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Thomas Bender moved, seconded by Marc Sturgill to accept the Continuing Education Report of December 14, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF DECEMBER

Jennifer Barron moved, seconded by Marc Sturgill to accept the report of Violations Paid for the month of December. The motion passed unanimously.

VII. OLD BUSINESS

1) Melinda J. Hoff – Regarding her exemption, dated November 4, 1988, from completing continuing education credits This item was before the Board on 12/12/05 at which the Board requested the Ms. Hoff inform us of her current military status, , her employment history and if her military status changed during the licensing period 2003-2005.

Edward McGinley moved, seconded by Marc Sturgill to accept her explanation and not penalize her for failure to complete the CE requirements; also since she is no longer in the military she must now be compliant with NJAC 13:39 – Subchapter 3A. The motion passed unanimously.

2) Pharmacy Technician Training Programs – Update on status

a) Eckerd Pharmacy – Submitted missing materials, reviewed by Executive Director and determined to be acceptable

b) Mallinckrodt pharmacy – Submitted missing materials, reviewed by Executive Director and Determined to be acceptable

Joanne Boyer, Executive Director, advised the Board that she has reviewed the materials and has determined them to be acceptable.

VIII. NEW BUSINESS

1) Wal Mart submission of Joint Application to Conduct a Centralized Prescription Handling Pharmacy Service

Elvy Paiva moved, seconded by Jennifer Barron to approve the Joint Application to Conduct a Centralized Prescription Handling Pharmacy Service provided that Wal Mart submit a list of officers and identify the signature on the application. The motion passed unanimously.

2) Travis J. Leonardi, CP, Chief Executive Officer, Freedom Healthcare on behalf of Columbus Hospital – Requesting interpretation and/or guidance to NJAC 13:39 – 4.16 as it pertains to Federal 340B program

The Chair directs that Mr. Leonardi be notified that the Board of Pharmacy does not have any regulations that would prohibit this type of arrangement. NJAC 13:39 –4.16 applies to an arrangement with a "health care practitioner".

3) Dan Romanski, Director of Sales, Pick Point Corporation, Pleasanton, CA –

The Chair directs that Mr. Romanski be sent a copy of the Board's rules and regulations, ask him to review Subchapter 10 and that he then appear before the Board at a later date to discuss in detail how his product would be utilized in the State of New Jersey.

4) Barrie Levine, R.Ph., VP of Pharmacy, Drug Fair – Notification of change of ownership

The Chair directs Mr. Levine to submit a diagram of the corporate structure and to include the names of all officers for each company, pre and post merger.

5) John M. Gray, President and CEO, HDMA – Communication regarding uniform federal licensing of prescription drug distribution

Edward McGinley moved, seconded by Marc Sturgill to forward Mr. Gray's correspondence and a copy of NABP's VAWD to the Commissioner of the Department of Health and Senior Services with a recommendation that the DHSS, Board of Pharmacy, NABP and HDMA convene to draft regulations in regards to wholesalers drug distribution in New Jersey. The motion passed unanimously.

6) Joseph Dweck, President, Success Meds, Marlton, NJ – Communication regarding use of contract packagers

This item was moved to the Executive Session for advice of counsel. The Executive Director is to obtain additional information in order to render an appropriate decision. Mr. Dweck is to provide detailed information regarding his contractual arrangement, an explanation as to what he means by "repackaging", and an explanation of the product/flow process. The Board requests that Mr. Dweck appear before the Board to answer all questions.

7) Heidi Stokes, Director of Government Affairs, IPA – Communication regarding Horizon Blue Cross Blue Shield Specialty Injectable program requirements

Additional information was submitted by a Board Member for review. The information submitted by Ms. Stokes and the Board member will be submitted to the Department of Banking and Insurance for review.

8) Carl Masiag, R. Ph. – Licensee selected for CE audit and is requesting if courses taken for Masters Degree at University of Phoenix qualify under NJAC 13:39 – 3A.3(a)2

The Chair directs that Mr. Masiag provide the Board with an official transcript, course content for each course listed on the transcript, time frame of courses and a statement regarding didactic participation in courses. Once this information is submitted this item will be placed back before the Board.

9) Wanda D. Brown, R.Ph. – Licensee selected for CE audit and is requesting if courses taken at Seton Hall University of Law qualify under NJAC 13:39 – 3A.3(a)2

Jennifer Barron moved, seconded by Marc Sturgill to deny her request that her courses taken at Seton Hall qualify as continuing education credit as provided in NJAC 13:39 – 3A.3(a)2. The motion passed unanimously.

10) Paul Fenster, VP sales, EZ Contacts USA – Communication regarding contact lens prescriptions being filled at pharmacies

Thomas Egan moved, seconded by Elvy Paiva to refer the drafting of regulations regarding the dispensing of contact lenses by pharmacists to the Rules & Regulations Committee. The motion passed unanimously.

11) Waiver requests

a) Vishnuvardhan Reddy Daram – Requesting waiver of TSE

Thomas Bender moved, seconded by Elvy Paiva to deny his request for waiver of TSE and to advise him he must pass the IBT. The motion passed unanimously.

b) Harshit C. Patel – Requesting waiver of TSE

Thomas Bender moved, seconded by Axel Miranda to deny his request for waiver of TSE and advise him he must pass the IBT. The motion passed unanimously.

c) Divakar Kanakagiri – Requesting waiver of TSE

Elvy Paiva moved, seconded by Thomas Bender to deny his request for waiver and advise him he must pass the IBT. The motion passed unanimously.

12) Review of Assembly Bill 2016 -- Permits healthcare professionals to refuse to perform or assist in health care services that violate their religious, moral or ethical convictions

Edward McGinley moved, seconded by Elvy Paiva to oppose this as written because it does not provide a mechanism for a patient to receive treatment. We must respect the rights of all individuals, patients and pharmacists, but as written there is no provision to provide access to care and without that we cannot be

supportive. The motion passed 8 to 1. Thomas Bender supports this bill.

IX. MITIGATIONS

1) Vandana Kataria, R.Ph. – Regarding CE audit

Elvy Paiva moved, seconded by Axel Miranda to deny her request for mitigation. The motion passed 8 to 1.

2) Kim Feldschneider, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Elvy Paiva to mitigate the \$3,200 penalty. The motion passed unanimously.

3) Liliya Krasner, R.Ph. – Regarding CE audit

Jennifer Barron moved, seconded by Edward McGinley to deny her request for mitigation. The motion passed unanimously.

4) Stuart Schwartz, R.Ph. – Regarding CE audit

Jennifer Barron moved, seconded by Thomas Egan to deny his request for mitigation. The motion passed unanimously.

5) Abdihakim Hersi, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed unanimously.

6) Harsimrat K. Saini, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed unanimously.

7) Dharmishta H. Rana, R.Ph. – Regarding CE audit

Thomas Egan moved, seconded by Edward McGinley to deny her request for mitigation. The motion passed unanimously.

8) Gary Plotkin, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Elvy Paiva to mitigate the penalty and place him in inactive status. The motion passed unanimously.

9) John K. Cerutti, R.Ph. – Regarding CE audit

Axel Miranda moved, seconded by Jennifer Barron to mitigate and place him in inactive status. The motion passed unanimously.

10) Minghua Zhang, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny her request for mitigation. The motion passed unanimously.

11) Juby Thomas, R.Ph. – Regarding CE audit

Pamela Allen moved, seconded by Elvy Paiva to mitigate the \$1,000 portion of the penalty. The motion passed 8

to 1.

Elvy Paiva moved, seconded by Jennifer Barron to fine \$25.00 to Ms. Thomas for failing to notify the Board of her change of address. The motion passed unanimously.

12) Arnold M. Olshan, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to mitigate the penalty and place him in inactive status. The motion passed unanimously.

13) Lorletha R. Ingram, R.Ph. – Regarding CE audit

Elvy Paiva moved, seconded by Jennifer Barron to deny her request for mitigation. The motion passed 6-3.

14) Louis J. Ranieri, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Jennifer Barron to accept his request for mitigation of the \$1,000. The motion passed 8 to 1.

15) Sara S. Spencer, R.Ph. – Regarding CE audit

The Chair directs that Ms. Spencer provide the Board with her CE credits from 2001-2003.

16) Robert Schaefer, R.Ph. – Regarding CE audit

This matter was tabled.

17) Lyle B. Shaw, R.Ph. – Regarding CE audit

This matter was tabled.

X. CONFERENCES

NABP Annual Meeting, San Francisco, Ca, April 8-11, 2005- Appointment of Delegate

Elvy Paiva moved, seconded by Jennifer Barron, to appoint Edward McGinley as the delegate to the NABP meeting in April. The motion passed unanimously.

Marc Sturgill moved, seconded by Axel Miranda, to appoint Elvy Paiva as the alternate delegate to the NABP meeting in April. The motion passed unanimously.

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) January 11, 2006

This matter was tabled

XII. ADJOURNMENT

At 12:10 p.m., Marc Sturgill moved, seconded by Thomas Egan to enter into Executive Session to review (7) consumer complaints, (6) New Business, (12) Retail IV Permits and (22) Inspection Reports. The motion passed unanimously.

At 1:03 p.m., Tom Bender moved, seconded by Edward McGinley to back into Open Session to address item VIII (6) and approval of delegates for NABP Annual Meeting. The motion passed unanimously.

At 1:10 pm Marc Sturgill moved, seconded by Axel Miranda to go back into Executive Session. The motion passed unanimously.