

Final

**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF
THE OPEN SESSION OF JANUARY 26, 2005**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Past Board President Richard Palombo in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on January 26, 2005 at 9:30 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Richard Palombo 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

Sophie Heymann Public Member
Ira Katz, R.Ph. (arrived at 10:00 a.m.)
Robert Kowalski, R.Ph. Government Member
Edith Tortora Micale, R.Ph.
Richard Palombo, R.Ph.

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:

Pamela Allen, R.Ph. President
Edward McGinley Vice-President
Anthony Alexander, R.Ph.
Mona Doyle Public Member

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

Robert Kowalski moved, seconded by Sophie Heymann to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

N/A

VI. VIOLATIONS PAID FOR THE MONTH OF DECEMBER

N/A

VII. OLD 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:-3.18(b) This item was before the Board on 1/12/05 at which time the Board granted a waiver to allow each of the on-site institutional pharmacies 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. In addition, the DAG would research the legality of this option.

As a result of the DAG's research, she found that pursuant to N.J.S.A.45:14-32, "drugs dispensed under such institutional permits shall be dispensed only to in-patients, employees of the institution and out-patients who are treated by staff members of the institution in their respective clinics." Therefore, a pharmacy permit holder cannot serve an entity that is not owned by that very same pharmacy permit holder. Regardless, of the services being non-profitable, the waiver cannot be granted because the statute still prohibits this conduct. Mr. DiCubellis will be informed on what options are available to him and then he may address this item before the Board.

2) Heidi Stokes, Director of Government Affairs, IPA - Requesting Board opinion on advertising This item was discussed in the 1/12/05 meeting, where the Chair directed that this be referred to the Division of Law and Public Safety for review.

The Executive Director (E.D.) will be contacting Heidi Stokes, to obtain more information and upon receipt of this information the E.D. will forward it to the Division of Law and Public Safety for further investigation.

VIII. NEW BUSINESS

1) New travel policy for out of state and instate travels with overnight stay This item was treated as an FYI.

2) Readoption with amendment of NJAC 8:71 – Interchangeable Drug Products This item was treated as an FYI and will be included in an upcoming newsletter.

3) ACPE's Recognition of CCAPP Accreditation Decisions not extended Beyond June 30, 2004 This item was treated as an FYI.

4) Correspondence from Warren Hospital regarding respiratory care practitioners Marianne Greenwald requesting Board opinion The Board concluded that proper safeguards, policy and procedures should be put in place to prevent possible diversion and to ensure appropriate documentation on patient dosage regimen. This item should be referred to Warren Hospital's P & T Committee for policy approval.

5) Correspondence from NABP regarding NAPLEX/MPJE fee increases This item was treated as an FYI.

6) Correspondence from NABP regarding FPGEC fraud alert This item was treated as an FYI.

7) Correspondence regarding transactions affecting Christ Hospital, Jersey City and St. Mary Hospital, Hoboken Ms. Littman was present on behalf of Christ Hospital, Jersey City and St. Mary Hospital, to ask the Board if relicensure of a non-profit Pharmacy St. Mary Hospital, will be required.

The Board informed Ms. Littman that a transfer of ownership must be completed with applicable fee. Once the transfer of ownership application fee is received, the Board will decide on a waiver to keep the permit number the same in a future meeting.

Edith Micale was recused from this item due to her affiliation with the respondent.

8) Review of Assembly Bill A398-"Pharmacy Quality Assurance and Error Prevention Act." This item is placed on the agenda at the request of Board Member Richard Palombo, Chairman CQI Committee

Sophie Heymann moved, seconded by Ira Katz, that the Board strongly endorse the concept of the bill. The motion passed unanimously.

9) Review of Senate Bill No. 2178-"Prohibits pharmacist from refusing to dispense medication solely for philosophical, moral or religious reasons. This Bill prohibits pharmacist from refusing to dispense medication solely for philosophical, moral or religious reasons.

The Board has not come to a decision to accept or disapprove of this Bill. The Executive Director will be submitting this item to those Board members who did not attend this meeting in efforts to obtain a consensus.

10) Pharmacy Intern Responsibility - Sophie Heymann Sophie Heymann has discussed this matter with the Rules and Regulations Committee regarding the definition of student externs and interns.

The Rules and Regulations Committee will discuss this item further discussion.

11) TSE Interview -Waivers

Dipti Dobariya

Robert Kowalski moved, seconded by Edith T. Micale to grant Ms. Dobariya the waiver of the TSE requirement pending a letter of recommendation from Ms. Dobariya's employer. She was advised that if she receives the waiver, she may not be able to reciprocate her license. The motion passed unanimously.

Patel Pahkkumar

Robert Kowalski moved, seconded by Edith T. Micale to grant Mr. Pahkkumar the waiver of the TSE requirement. He was advised that he may not be able to reciprocate his license. The motion passed unanimously.

12) Waivers

Ira Katz moved, seconded by Sophie Heymann, to deny Minaxi Kyada the waiver, since she did not complete the required supervised internship under a Board approved preceptor. The motion passed unanimously.

Ira Katz moved, seconded by Sophie Heymann to approve Karaunakar Bhupathi's hours of internship. The motion passed unanimously.

IX. CONFERENCES

N/A

X. COMMITTEE REPORTS

1) Pharmacy Practice Act – Technician Workgroup

The Acting Chair, Richard Palombo, directed to inform Dr. Schafarmeyer, the author of the training manual entitled, "The Pharmacy Technician Training Program", that the manual has not been approved by the Board. The reason being that all criteria required for the training manual are not contained in its current form.

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

3) Pharmacy Practice Act – Immunization Workgroup -Ira Katz Anthony Miragliotta will be contacting Bill Roeder, Executive Director of the Board of Medical Examiners, to discuss where the Collaborative Practice and Immunization Workgroups are regarding the proposed regulations.

XI. APPROVAL OF MINUTES

1) January 12, 2005 Sophie Heymann moved, seconded by Robert Kowalski to accept the January 12, 2005 open minutes as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 12:30 p.m., Robert Kowalski moved, seconded by Richard Palombo to move into the executive session to review (10) complaints, (12) inspection reports, (12) retail and IV permits. The motion passed unanimously.
