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BOARD OF PHARMACY OPEN SESSION MINUTES CONFERENCE ROOM 10C, 5TH FLOOR February 4, 2015

I. CALL TO ORDER

The Open Session of the New Jersey Board of Pharmacy was called to order by the Board President, Mr. Thomas F.X. Bender, at 124 Halsey Street, Conference Room 10C, 5th floor, on February 4, 2015 at 9:07 a.m. All members were duly notified of the time, place and all pertinent materials were provided to members.

II. SUNSHINE LAW ANNOUNCEMENT

President Thomas F.X. Bender, 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.10:4-8.

III. ROLL CALL

Thomas F.X. Bender, R.Ph.	President
Richard Palombo, R.Ph.	
Margherita Cardello, R.Ph.	Late arrival 9:34 a.m.
Edward G. McGinley, R.Ph.	Excused absence
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	
Calliope Alexander	
Carol Jacobson, Esq.	
Linda Witzal, R.Ph.	
Mitch Sobel, R.Ph.	

OTHERS IN ATTENDANCE

Anthony Rubinaccio, R.Ph.	Executive Director
Matthew Wetzel	Board Staff
Jodi Krugman	Deputy Attorney General

IV. UPDATES BY EXECUTIVE DIRECTOR

The Executive Director reported for the month of December, \$36,675 was collected in fines and penalties. The following permits, licenses, and registrations were issued during the month:

- Technicians registered - 226
- Pharmacists licensed - 38 (33 by examination and 5 by reciprocity)
- Out-of-State Pharmacies registered –24
- In-State Pharmacies licensed – 8
- Pharmacists receiving immunization approval – 37
- Interns (foreign graduates) licensed – 6

V. OLD BUSINESS

1) Public Orders Filed

- a. Kelly Goldbach, RPb - Consent Order (12/10/14)
- b. Frederick McLeish, RPb - Consent Order (12/16/14)
- c. Jeanne Castillo, Pharmacy Technician - POD (12/22/14)

2) Noha Amar, Pharmacy Technician - Prosecution Letter / POD

On October 21, 2014, the New Jersey Attorney General sought to suspend Noha Amar's registration to practice as a pharmacy technician in the State of New Jersey until such time that she cooperated with the Board investigation by answering an inquiry into her arrest on May 25, 2014 by the North Haledon Police Department for violating N.J.S.A. 2C:12-1A (Simple Assault). The Provisional Order of Discipline also sought a \$250 penalty for Ms. Amar's failure to cooperate with the Board's request.

The Prosecution letter stated that she did respond, but not to the extent requested. The Attorney General's position is that the civil penalty of \$250 should be imposed, and the POD should be rescinded.

Thomas Bender moved, seconded by Stephen Lieberman, to accept the Attorney General's recommendation. **Motion passed 8-0.**

VI. NEW BUSINESS

1) Bill A3965 - Requires pharmacies to install and maintain secure prescription medication drop-off receptacles, and Division of Consumer Affairs to post receptacle location information online

Thomas Bender provided an overview of the following recommendations which were provided after the Rules and Regulations Committee had an opportunity to review this Bill.

“A3965 requires pharmacies to install and maintain secure prescription medication drop-off receptacles.

The bill was introduced on December 11, 2014 and referred to the Assembly Health and Senior Services Committee which discussed the bill on January 12, 2015. Due to the timing of the Committee discussion of the bill prior to the Board’s meeting, the Rules & Regulations Committee reviewed and provided preliminary feedback, which was not considered the Board’s position.

The R&R committee members were concerned that:

- 1. Every site in NJ that has a registration (retail/LTC/infusion/mail-order/specialty, etc.) are subject to this proposed law.*
- 2. Although pharmacy practice sites may seek a waiver, administering waivers will be tricky, as every practice site could argue complying with the bill is an economic hardship.*
 - a. Additional operational costs incurred for registration, installation of the receptacle, on-going rental/lease expense if not purchased outright, and the cost of disposal of the medications collected. There is no funding being proposed here to finance the upstart of this ‘industry’. There will be headwinds with the pharmacy community if this is mandated. It will make what should be a very positive development (ability to discard medications) into an economic burden.*
- 3. The receptacles will sit for long periods of time in pharmacies before they are emptied-who will monitor?*
- 4. With respect to the Division having drop-off sites, how will the State dispose of their collected medications. Question as to whether the Division qualifies as a “person or entity authorized to accept controlled dangerous substances for the purpose of destroying the substances.”*

The R&R committee also noted:

- 1. NABP is currently offering the service of identifying medication drop-off sites. Piggy-backing on this service, rather than creating a whole new cost structure and administrative workload to maintain accurate listings on the web is more logical, and fiscally responsible alternative. The pharmacies wouldn’t even need a conspicuous sign. They could have an NAPB “AWARE” handout, and look up the closest location on line.*
- 2. There will be enough “market forces” in play that will provide consumers viable choices where they can drop off unwanted medications rather than making it essentially a licensure requirement to operate a pharmacy. Some hospitals are interested in doing this voluntarily. Even so, the challenge will*

be where to place the receptacle so that it is easily accessible, yet within the control of the pharmacy, not only in pharmacies, but any closed door site as well.

The R&R committee suggested for consideration:

1. *Ask NABP if they are willing to partner with the State to develop the pharmacy material that meets most of the Senator's objectives regarding awareness and options, perfect the process, and be a model for the other States. NABP worked with us on sterile compounding; hopefully they could help here."*

After review and discussion of the Rules and Regulations Committee recommendations, Stephen Lieberman moved, seconded by Linda Witzal, to oppose the Bill as written and to support the Rules and Regulation Committee's recommendations. **Motion passed 7-0.**

2) AlixaRx - Bridgefield, PA - Out-of-state Sterile Compounding Pharmacy Applicant

Richard Palombo moved, seconded by Stephen Lieberman, to approve the application. **Motion passed 8-0. Mitch Sobel abstained.**

3) Total Vein Pharmacy- Houston, TX - Out-of-state Sterile Compounding Pharmacy applicant

Item tabled due to time constraints, will be reviewed at a future meeting.

4) PromptCare Home Infusion, LLC - King of Prussia, PA - Out-of-state Sterile Compounding Pharmacy applicant

Item tabled due to time constraints, will be reviewed at a future meeting.

5) Direct Success Pharmacy - Pharmacy Technician Training Manual.

Direct Success Pharmacy in Farmingdale, New Jersey submitted a Pharmacy Technician Training Manual for Board review. They are seeking Board approval of the program to allow them to exceed the 2:1 pharmacy technician to pharmacist ratio.

Stephen Lieberman reviewed the documentation provided and presented his recommendation to the Board. He suggested that if Direct Success updated the training manual to include information regarding filing requirements for CDS, and corrected an error on page 40 which indicates that pharmacy technicians '*...may accept authorization from patient for a refill*', that the Board should approve this Pharmacy Technician

Training program.

Thomas Bender moved, seconded by Richard Palombo, to support Mr. Lieberman's recommendation. **Motion passed 9-0.**

6) NABP NAPLEX Standards Setting Meeting - March 5th -7th.

President Bender requested that any Board member interested in attending to represent New Jersey should contact Director Rubinaccio.

7) NABP MPJE Item Writing Workshop - March 19th-20th .

President Bender requested that any Board member interested in attending to represent New Jersey should contact Director Rubinaccio.

VII. MITIGATION REQUEST

N/A

VIII. INFORMATIONAL

N/A

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

Mahesh Shah moved, seconded by Margherita Cardello moved, to approve the December 10, 2014 Open Session minutes as amended. **Motion passed 9-0.**

XI. ADJOURNMENT

At 9:45 a.m. Stephen Lieberman moved, seconded by Mitch Sobel, to adjourn the Public Session and move into the Executive Session for review of 1 Old Business Item, 13 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, and the approval of the December 10, 2014 Executive Session Minutes. **Motion passed 9-0.**