

FINAL

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES FEBRUARY 8, 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 February 8, 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
Jennifer L. Barron Government Member
Thomas Bender, R.Ph
Marc Sturgill, Pharm. D
Elvy T. Paiva, R.Ph
Thomas Egan, Pharm.D arrived at 9:25 a.m.
Axel Miranda arrived at 9:30 a.m.
Peter Halecky, R.Ph.
Margherita Lafragola, R.Ph
Sy Larson, PH.D Public Member

OTHERS IN ATTENDANCE:

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

EXCUSED:

Edward McGinley, R.Ph Vice-President

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

Margherita Lafragola moved, seconded by Marc Sturgill to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Jennifer Barron moved, seconded by Elvy Paiva to accept the Continuing Education Report of February 8, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF JANUARY

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

VII. OLD BUSINESS

1) Thomas Clancy – Request for modification of Consent Order

Elvy Paiva moved, seconded by Jennifer Barron to modify section L. of the Order to include a licensed clinical alcohol and drug counselor (LCADC) in addition to an addiction psychologist or psychiatrist and to deny his request for a modification of section M. The motion passed. This item was moved into the Executive Session for advise of counsel.

Jennifer Barron moved, seconded by Elvy Paiva to approve Mr. Jim Seng, M.S., LCADC, CCS as a LCADC. The motion passed 6 to 2.

2) Michael Wolf, R.Ph., Wald Drugs, Flemington, NJ – Regarding storefront drop off proposal This item was last before the Board on 11/9/05 at which time the Board requested that Mr. Wolf submit Standard Operating Procedures that would be utilized and that the ED get an opinion from the Director's office regarding the proposal

The Chair directs to have Joanne Boyer, Executive Director, obtain clarification and/or additional information regarding the Policy and Procedures Manual for Board review.

3) Peter Mikhail – Request for reinstatement

Mr. Mikhail appeared before the Board on 9/14/05 at which time the Board requested additional information before they would consider his request for reinstatement

Elvy Paiva moved, seconded by Sy Larson to reinstate Mr. Mikhail's license after submission of two months of witnessed, weekly random urine drug and alcohol screens to include creatinine levels. His license will be reinstated with the following conditions -- two (2) years probation; he must show the Order to any employer prior to his employment and that employer is to notify the Board that they have seen the Order; he can not serve as RPIC, preceptor or ownership of a pharmacy; he has to attend NA/ AA 3 times a week minimum; he needs to continue with weekly urine screens for six months and then monthly screens for the duration of the probation; and he is required to have a status conference with the Board or a committee of the Board prior to completion of probation. He will need to satisfy all conditions for reinstatement as stated in NJAC 13:39 – 2.17c and complete a criminal history background check. Margherita LaFargola was recused since Mr. Mikhail was previously employed with Rite Aid. The motion passed 9 to 1.

VIII. NEW BUSINESS

1) Joint Application to Conduct a Centralized Prescription Handling Service– SoluNet, Totowa, NJ and Muhlenberg Regional Medical Center, Plainfield, NJ

Marc Sturgill moved, seconded by Jennifer Barron to approve the joint application to conduct a centralized prescription handling service. The motion passed unanimously.

2) Joint Application to Conduct a Centralized Prescription Handling Service – SoluNet, Totowa, NJ and The Community Hospital Group Inc t/a JFK, Edison, NJ

This item has been tabled until we receive an addendum stating the names of the officers.

3) Hitesh M. Patel, R.Ph. – Reciprocity candidate requesting a waiver of TSE Margherita Lafragola moved, seconded by Axel Miranda to deny his request for waiver of TSE and he must take and pass the IBT exam. The motion passed unanimously.

4) Veer Raju Pilla – Applicant requesting waiver of internship hours

Jennifer Barron moved, seconded by Marc Sturgill to deny his request for waiver of internship hours. The motion passed unanimously.

5) Communication from NABP regarding NAPLEX Passing Rates

The Board accepted this item as informational.

6) Edward A. Cienki, R.Ph. – Requesting a waiver of continuing education requirement of 3 credits in pharmacy law

Margherita Lafragola moved, seconded by Jennifer Barron to deny his request for waiver of continuing education requirement of 3 credits in pharmacy law. The motion passed 6 to 1.

7) Charles Rubinstein, R.Ph. – Request for modification of Provisional Order of Discipline

This item was moved to Executive Session for advise of counsel.

8) Burt Liebman – Fourth Quarter Legislation Report Submitted as informational

The Board accepted this item as informational.

9) Viju Scaria – Applicant requesting a waiver of TSE requirement

Marc Sturgill moved, seconded by Margherita Lafragola to deny his request for waiver of TSE requirement and he must take and pass the IBT exam. The motion passed unanimously.

10) Joseph V. Roney, R.Ph, CEO, New Jersey Pharmacists Association – Invitation to have the June 28, 2006 Board Meeting held at the association's annual convention in Atlantic City Marc Sturgill moved, seconded by Thomas Egan to accept the invitation to have the June 28, 2006 Board of Pharmacy meeting in Atlantic City at the associations annual meeting. The motion passed 9 to 1.

11) Edward Tuminello, Chief, Enforcement Bureau – Street prices for prescription drugs

The Board accepted this item as informational.

IX. MITIGATIONS

1) Wald Drugs, Somerville, NJ

Also included is a request to maintain same permit number

Elvy Paiva moved, seconded by Jennifer Barron to deny the request for mitigation. The motion passed unanimously.

Elvy Paiva moved, seconded by Jennifer Barron to approve the request to maintain the same permit number. The motion passed unanimously.

2) Matthew Sills, R.Ph. – Regarding CE audit

Elvy Paiva moved, seconded by Jennifer Barron to deny his request for mitigation. The motion passed 9 to 1.

3) Alan C. Lask, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Margherita Lafragola to deny his request for mitigation. The motion passed unanimously.

4) Kathy Nguyen Sylvester, R.Ph. – Regarding CE audit (Has submitted 4 live acceptable credits which would lower fine to \$2,200.)

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

5) Leonard J. Fusaro, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Peter Halecky to deny his request for mitigation. The motion passed 9 to 1.

6) Anna Wilton, R.Ph. – Regarding CE audit

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

7) Guilaine Kossaras, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Thomas Egan to deny his request for mitigation. The motion passed 9 to 1.

8) Tana Sarntinoranont, R.Ph. – Regarding CE audit

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

9) Allan Strauss, R.Ph. – Regarding CE audit

This item has been tabled.

10) Rajeev Verma, R.Ph. – Regarding CE audit

This item has been tabled.

11) Ellen Curran, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Margherita Lafragola to deny her request for mitigation and per her request to place her in inactive status. The motion passed 6 to 4.

12) Vaibhavi Desai, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Margherita Lafragola to deny his request for mitigation. The motion passed unanimously.

13) Vicki T. Loh, R.Ph. – Regarding CE audit

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

14) Robert Frank Young, R.Ph. – Regarding CE audit

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

15) Stanley Rovner, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed 9 to 1.

16) Mark A. Gioia, R.Ph. – Regarding CE audit

Margherita Lafragola moved, seconded by Peter Halecky to deny his request for mitigation. The motion passed 9 to 1.

17) Richard A. Parks, R.Ph. – Regarding CE audit

Margherita Lafragola moved, seconded by Marc Sturgill to deny his request for mitigation. The motion passed unanimously.

X. CONFERENCES

1) NABP's 102 Annual Meeting, April 8-11, 2006, San Francisco, CA

Joanne Boyer, Executive Director, requested that any Board Member who will be attending the NABP's 102 Annual meeting, to submit their registration form to the Board staff for processing.

Edward McGinley will be the delegate and Elvy Paiva will be the alternate delegate.

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) January 11, 2006

Axel Miranda moved, seconded by Elvy Paiva to approve the January 11, 2006 Open Minutes as amended. The motion passed unanimously.

2) January 25, 2006

Elvy Paiva moved, seconded by Thomas Egan to approve the January 25, 2006 Open Minutes as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 9:26 a.m., Thomas Egan moved, seconded by Peter Halecky to enter into Executive Session for advise of counsel to discuss Item VII.-1. The motion passed unanimously.

At 9:36 a.m., Elvy Paiva moved, seconded by Margherita Lafragola to enter into Pubic Session. The motion passed unanimously.

At 11:45 a.m. Marc Sturgill moved, seconded by Jennifer Barron to enter into Executive Session to review (7) consumer complaints, (5) New Business, (8) Retail IV Permits and (13) Inspection Reports. The motion passed unanimously.