

Final

**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF
THE OPEN SESSION OF FEBRUARY 9, 2005**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Union Room, 3rd Floor at 124 Halsey Street, Newark, New Jersey on February 9, 2005 at 9:00 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 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

PRESENT:

Pamela Allen, R.Ph. President
Edward McGinley Vice-President
Anthony Alexander, R.Ph.
Mona Doyle Public Member (Left at 2:50 p.m.)
Sophie Heymann Public Member (Left at 2:30 p.m.)
Ira Katz, R.Ph. (Arrived at 9:25 a.m., left 3:35 p.m.)
Robert Kowalski, R.Ph. Government Member (Left at 3:30 p.m.)

OTHERS IN ATTENDANCE:

Marianne Greenwald Deputy Attorney General
Joanne Boyer, R.Ph. Executive Director
Kiran Shamlall Clerk Stenographer

EXCUSED:

Edith Tortora Micale, R.Ph.
Richard Palombo, R.Ph.

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

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

V. CONTINUING EDUCATION REPORT

Robert Kowalski moved, seconded by Sophie Heymann, to accept the Continuing Education Report for February 9, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF JANUARY

Sophie Heymann moved, seconded by Mona Doyle, to accept the Violations Paid for the month of January. The motion passed unanimously.

VII. OLD BUSINESS

1) Dipti Dobariya – Regarding request for TSE waiver Ms. Dobariya was interviewed on 1/26/05 at which time she was requested to submit a letter of recommendation.

After review of the requested letter of recommendation, the Board re-affirmed the motion passed at the January 16, 2005 meeting to grant her request for a waiver.

2) Anthony Alexander – NABP Law Enforcement Committee update Mr. Alexander informed the Board that his report on the NABP Law Enforcement meeting will be forthcoming after it is presented at the NABP Annual Meeting.

VIII. NEW BUSINESS

1) Bragg E. Hemme, Faegre & Benson, Denver, Co – Requesting Board opinion on delivery of patient's medications via mail order to patient's agent Sophie Heymann moved, seconded by Edward McGinley, to grant the respondent's request to have a licensed mail order pharmacy deliver prescribed dialysis-related medications to the patient's dialysis facility, at the patient's written request, for use at the patient's residence. The motion passed unanimously.

2) John P. Gross – Requesting waiver of NJAC 13:39 – 3A.1 After taking into consideration all available information, Anthony Alexander moved, seconded by Edward McGinley, to grant the respondent's request for a waiver of the required ten (10) live credits for the 2003-2005 biennial period but he still must complete the thirty required credits. Additionally, the respondent is to be informed of the in-home alternatives, some of which, may also fulfill the didactic requirement. The motion passed unanimously.

3) On line license renewal for pharmacists This item has been considered an F.Y.I.

4) HHS News – New Medicare E-Prescribing Rules Proposal This item has been considered an F.Y.I.

5) Radhika Sabramaniadevar – Requesting TSE waiver; interviewed on 2/9/05 prior to Board Meeting Robert Kowalski moved, seconded by Sophie Heymann, to grant the respondent's request for a waiver of the TSE. The motion passed unanimously.

Robert Kowalski moved, seconded by Sophie Heymann, to issue a cease and desist letter to the RPIC and to the CVS Corporation for inappropriately utilizing the respondent's skills as an intern. The motion passed 6 to 1.

Edward McGinley was opposed to this motion since he would prefer to issue a warning letter prior to a cease and desist letter.

6) NABP Annual Meeting The Chair directed the Executive Director to contact NABP regarding adequate Board notification of future agendas and report back to the Board at the next meeting.

7) Edward McGinley – Regarding RXCanada flyer

Edward McGinley moved, seconded by Ira Katz, to have the Executive Director forward the item to the Board of Medical Examiners (BME) with the physician's name and address of the office where the advertisement was discovered. Additionally, the BME was asked to notify the physician that the importation of prescription medications is still illegal in the United States. The motion passed unanimously.

IX. CONFERENCES

N/A

X. COMMITTEE REPORTS

1) Pharmacy Practice Act – Technician Workgroup Anthony Alexander Anthony Alexander informed the Board that he is currently reviewing hard copies of CVS’s training program.

2) Pharmacy Practice Act – Collaborative Practice Workgroup Pamela Allen The Workgroup is still awaiting feedback from the Board of Medical Examiners.

3) Pharmacy Practice Act – Immunization Workgroup Ira Katz The Workgroup is still awaiting feedback from the Board of Medical Examiners.

XI. APPROVAL OF MINUTES

1) January 26, 2005

Sophie Heymann moved, seconded by Ira Katz, to accept the recommendation for item VIII-7 under New Business. The motion passed unanimously.

Mona Doyle moved, seconded by Sophie Heymann, to accept the draft of January 26, 2005 as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 10:23 a.m., Robert Kowalski moved, seconded by Mona Doyle, to move into the Executive Session, to review eight (8) complaints, eighteen (18) inspection reports, and eight (8) retail and IV permits. The motion passed unanimously .