



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102



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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION February 9, 2011

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I. CALL TO ORDER

The Open Meeting of the New Jersey Board of Pharmacy was called to order by Board President Edward McGinley in the Somerset Room 6th Floor at 124 Halsey Street, Newark, New Jersey on February 9, 2011 at 9:14 a.m. All members were duly notified of the time and place and all pertinent materials were provided to the members.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley President, read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Meetings Act N.J.S.A., Chapter 231, PL 1975, /C. 10:4-8.

III. ROLL CALL

Edward G. McGinley, R.Ph.	President
Thomas Bender, R.Ph.	Vice President
Richard Palombo, R.Ph.	
Margherita LaFragola, R.Ph.	Excused
Marc Sturgill, R.Ph.	
Stephen Lieberman, R.Ph.	
Mahesh Shah, R.Ph.	

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Jodi Krugman	Deputy Attorney General
John Huglemyer	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR: DECEMBER 2010 & JANUARY 2011

1. The Executive Director reported that \$30,725.00 were collected in fines and penalties during the month of December 2010.
The following permits/licenses/registrations were issued during the month of December 2010:
 - Technicians - 240
 - Pharmacists - 38 (26 by examination/score transfer, 12 by reciprocity)
 - Out of state pharmacies - 7
 - In state pharmacies - 3
 - Pharmacists receiving immunization approval - 65
 - Interns (foreign graduates) - 5

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2. The Executive Director reported that \$18,375.00 were collected in fines and penalties during the month of January 2011.
The following permits/licenses/registrations were issued during the month of January 2011:
 - Technicians - 207
 - Pharmacists - 15 (11 by examination/score transfer, 4 by reciprocity)
 - Out of state pharmacies - 7
 - In state pharmacies - 4
 - Pharmacists receiving immunization approval - 37
 - Interns (foreign graduates) - 6
3. The Executive Director reported that there are over 3,000 pharmacists in New Jersey, who have immunization authorization.
4. Ms. Boyer, also made note that starting in 2003 pursuant to N.J.S.A. 45:1-30 et seq., every person who possesses a license or certificate as a health care professional MUST undergo a Criminal History Background Check. Since October of 2007 over 5 notices have been mailed to our licensees informing them of the need to be fingerprinted. Currently there are still 480 pharmacists who have not complied. For those that have not complied their license status has been changed from “Active” to “Active -Non-Renewable” which means they will not be allowed to renew their license during the renewal period, until they complete the criminal history background check. Furthermore, licensees who do not comply with this requirement by the end of the renewal period (April 30, 2011) will have their license placed in an “expired” status.

V. OLD BUSINESS

**1) Ronald Sorr, R.Ph. – Regarding his ability to be pharmacist in charge
Richard Palombo recused.**

Thomas Bender moved, seconded by Marc Sturgill due to the severity and seriousness of his conduct, Mr. Sorr’s request to allow him to be a pharmacist in charge is denied. **Motion passed unanimously.**

2) Finalization of Provisional Orders of Discipline

a) Kenneth Miller, R.Ph.

Thomas Bender moved, seconded by Richard Palombo to approve the Final Order of Discipline. **Motion passed unanimously.**

b) Virginia Cullen, pharmacy technician

Marc Sturgill moved, seconded by Thomas Bender to approve the Final Order of Discipline. **Motion passed unanimously.**

c) Jonas Khalil, R.Ph.

Thomas Bender moved, seconded by Marc Sturgill to approve the Final Order of Discipline. **Motion passed unanimously.**

VI. NEW BUSINESS

1) Adoption of Re-proposal of Drug Price Registry Rule

At the request of Mr. McGinley, Regulatory Analyst Maryann Sheehan appeared before the Board to speak regarding the Division's re-proposal of the Prescription Drug Retail Price List, which the Board is being asked to vote on.

Richard Palombo moved, seconded by Stephen Lieberman to approve the adoption of N.J.A.C. 13:39-5.13 Prescription Drug Retail Price List. In addition, a link is to be provided on the Board's website to this rule. **Motion passed 5-1.**

VII. MITIGATION/ HEARING REQUESTS

1) Frank Falcone, RPIC, Montgomery Pharmacy, Jersey City, NJ

Thomas Bender moved, seconded by Edward McGinley to mitigate the \$200.00 fine issued pursuant to N.J.A.C 13:39-5.8 (a). **Motion passed unanimously.**

2) Benita Kuthiala, RPIC, Rite Aid, Hamilton Township, NJ

Chair Direct to table this matter until Rite Aid provides the source of the list of the interchangeable drug products in their NexGen system.

3) Ramy Sadek, RPIC, CVS, Cedar Grove, NJ

Thomas Bender moved, seconded by Marc Sturgill to deny mitigation request of the \$500.00 fine issued for not registering technicians as so stated in NJAC 13:39 – 6.6(c). **Motion passed unanimously.**

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) December 8, 2010

Marc Sturgill moved, seconded by Stephen Lieberman to approve the December 8, 2010 Open Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At Richard Palombo moved, seconded by Marc Sturgill to move into Executive Session for the review of 25 complaints, 1 Old Business Items, 7 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 Minutes.