

# **New Jersey Board of Pharmacy**

## **Open Session Minutes of February 13, 2002**

### **I. CALL TO ORDER**

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Anthony Alexander in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on February 13, 2002 at 9:15 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

### **II. SUNSHINE LAW ANNOUNCEMENT**

Anthony Alexander 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. 10:4-6.

### **III. ROLL CALL**

#### **PRESENT:**

Anthony Alexander, RP, President  
Edward McGinley, RP, Treasurer  
Pamela Allen, RP  
Edith Tortora Micale, RP  
Robert Kowalski, RP  
Ira Katz, RP  
Sophie Heymann  
Mona Doyle

#### **EXCUSED:**

Richard Palombo, RP

#### **OTHERS IN ATTENDANCE**

Marianne Greenwald, Deputy Attorney General  
Debora Whipple, Executive Director  
Kathy Pierce, Secretarial Assistant  
Marie Wondeh, Principal Clerk Stenographer

### **IV. APPROVAL OF OPEN SESSION MINUTES OF JANUARY 23, 2002**

The Board President explained that due to the Executive Director's brief absence, the minutes of the Open Session of January 23, 2002 were not available for this meeting. They will be presented at the next Board meeting on February 27, 2002.

### **V. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATIONS FOR REGISTRATION BY EXAMINATION AND GRADE TRANSFER AND BY RECIPROCITY**

Sophie Heymann moved, seconded by Edith Micale, to approve the Secretary's Report and

Recommendation for Applications for Registration by Examination. The motion passed unanimously.

Sophie Heymann moved, seconded by Edith Micale, to approve the Secretary's Report and Recommendation for Registration by Grade Transfer. The motion passed unanimously.

Sophie Heymann moved, seconded by Edith Micale, to approve the Secretary's Report and Recommendation for Application for Registration by Reciprocity. The motion passed unanimously.

## **VI. MEMORANDUM OF VIOLATIONS PAID IN JANUARY**

Pamela Allen moved, seconded by Edith Micale, to approve the Memorandum of Violations Paid in January. The Board observed that collections of fines were down, and questioned whether this might be due to a backlog of paperwork in the office. The motion, however, passed unanimously.

## **VII. FYI's**

A memo from the NABP, "New Thresholds for Retail and Mail Order Sales of Pseudo-ephedrine and Phenylpropanolamine (PPA) Drug Products" will be forwarded to the New Jersey Department of Health, the Bureau of Enforcement and the Office of Drug Control.

Board Member Edward McGinley's Report on The American Society for Automation in Pharmacy (ASAP) Conference, January 24-26, 2002, in Isle of Palms, South Carolina, was favorably reviewed by the Board. The Board remarked that the report should be a model for the conclusion of any official trip that a Board member undertakes in order to bring back new information to the Board for discussion.

The Executive Director was asked to try to obtain a copy of the Schering Report that Mr. McGinley referred to in his report.

A letter from Larry Denny, President, Nevoca, re: PIPS anti-fraud system was read by the Board. The Board Chair directed the Executive Director to request more information from Mr. Denny.

## **VIII. QUESTIONS AND QUESTIONNAIRES**

### **1. Letter from Captain Max Lager, re: military exemption from continuing education requirement**

Captain Lager wrote to ask the Board whether there is a military exemption from the continuing education requirement. Edith Micale moved, seconded by Sophie Heymann, to answer him according to the regulations, which allow for a waiver on an individual basis, and to send him a book of the law and regulations. The motion passed unanimously.

### **2. Letter from Bob Schenk, R.Ph., Bayshore Wellness Pharmacy, re: hospital/retail business arrangement**

Mr. Schenk was present and answered questions and distributed additional information to the Board. This issue was moved to the executive session for advice of counsel.

### **3. Questionnaire from Laura Hall, McKesson Automated Healthcare re: robot dispensing**

The medication dispensing system Ms. Hall writes about uses individually wrapped, bar-coded medication that is picked by a robot.

The Chair directed the Executive Director to send Subchapter 9 and 10 and to ask for further information. The Board would like to know whether this is used as a machine or as a system. The letter from Ms. Hall

states that this system is currently being used at ten hospital sites in New Jersey. The Board would like a list of the hospitals in New Jersey currently using this technology.

## **IX. MEMORANDUM FROM ANTHONY MIRAGLIOTTA, DEPUTY DIRECTOR,**

re: Board Meeting Attendance

The Board reviewed the memorandum. The President will try to streamline the meetings so that all members may attend the full meeting without familial or financial hardships.

## **X. ADDITIONS TO AGENDA**

### 1. ScriptPro

ScriptPro Pharmacy Automation wrote the Board a letter to formally notify it that the system is being installed at McGrath Pharmacy in Lawrenceville on or about February 14, 2002. The Board agreed that the Office of Weights and Measures should inspect the system if it involves a counting issue, but that it must also inspect the system. The Executive Director will forward this information to the Enforcement Bureau.

### 2. CVS Quality First Program

CVS wrote expressing its commitment to reducing dispensing errors, as exemplified in its new "Quality First" program. The Board referred this to the Quality Improvement Committee and recommended that they ask CVS to appear and present additional information to the committee.

### 3. New Jersey Pharmacists' Association (NJPhA) and New Jersey Association of Health-System Pharmacists (NJSHP)

The NJPhA Annual Meeting will be in Atlantic City from June 18-20. The NJSHP Annual Meeting will be in Long Branch on Saturday, May 18.

Sophie Heymann moved and Mona Doyle seconded to move one of the June meetings to June 19 and one of the May meetings to May 18 in order to meet during the Association meetings. The motion passed unanimously.

### 4. American Pharmaceutical Association Annual Meeting in Philadelphia

Edith Micale is interested in attending this meeting as the Board representative.

### 5. Bill A, 1682: Requires pharmacist to report prescription drug-related deaths and substantial bodily injuries to Board of Pharmacy

Comments on A, 1682 included that it is "impractical" and "self-defeating." One criticism was that it never mentions the doctor. Also, what if the death had nothing to do with the pharmacist? It will be referred to committee for comments, which must be made by February 21, 2002.

### 6. Follow-up on letter to Diane Cousins

Ms. Cousins was invited to discuss medication errors at a Board meeting in April. She cannot come in April, but can send a substitute. Edith Micale asked for and received the Board's permission to speak to Ms. Cousins concerning the content of her talk and whether it will contain information concerning tracking medication errors and how to benchmark medications. Also, the Board instructed Ms. Micale to ask Ms. Cousins when she herself could be available.

## 8. Edith Micale-Personal Privilege

Board Member Edith Micale asked for time to speak before the Board concerning the state of the Board. She reviewed how the Board had had three Executive Directors within the past six weeks. She praised Debora Whipple's handling of a difficult situation. She stated that she felt that the Board was "behind on issues of pharmacy" and that there was not good communication from the Director's Office to the Board, only vice versa. Right now, she said, she saw delays concerning permits, continuing education credits, meetings of committees, continuing education regulations, electronic transfer, and the regulations governing it.

Ms. Micale went on to say that she felt a pharmacist was needed in the Board office to answer questions between the Enforcement Bureau and the Board. Mr. Gladstein's expertise was not being effectively used because of "politics," she said. Ms. Micale would like to know why someone in the Division thought he was not doing a good job and had him terminated from two separate positions he held at the Board of Pharmacy.

Debora Whipple, Executive Director, responded that good and timely criticism could be used as a tool to make constructive changes if it was first brought to the attention of the President and the Executive Director. She ventured her opinion that the state of efficiency in the office had not completely changed for the worse since Mr. Gladstein was no longer in charge.

Ira Katz moved, seconded by Edith Micale, to write to the Governor's appointments secretary, with a copy to the Governor. Anthony Alexander, Chair, will write the letter. The vote was seven in favor, one abstention, Pamela Allen, and one absent, Richard Palombo. The motion passed.

## **XI. RECESS TO EXECUTIVE SESSION**

Mona Doyle moved, seconded by Edward McGinley, for the Board to enter Executive Session for the purpose of discussion of confidential matters relating to one Investigative Inquiry, and to receive advice and counsel in regard to these matters, to review 14 retail and IV permits, 17 inspections, and 7 consumer complaints. The motion passed unanimously.

## **XII. ADJOURNMENT**

Edward McGinley moved, seconded by Sophie Heymann, to adjourn the meeting at 3:30 P.M. The motion passed unanimously.

Respectfully submitted,

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Debora C. Whipple  
Executive Director