

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES FEBRUARY 22, 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 22, 2006 at 9:12 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
Edward McGinley, R.Ph Vice-President
Thomas Bender, R.Ph
Marc Sturgill, Pharm. D
Elvy T. Paiva, R.Ph
Sy Larson, PH.D Public Member
Axel Miranda Arrived at 9:35 a.m.
Margherita Lafragola, R.Ph Arrived at 12:05 p.m.

OTHERS IN ATTENDANCE:

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

EXCUSED:

Jennifer L. Barron Government Member
Thomas Egan, Pharm.D
Peter Halecky, R.Ph.

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

Thomas Bender moved, seconded by Elvy Paiva to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

N/A

VI. VIOLATIONS PAID FOR THE MONTH OF FEBRUARY

N/A

VII. OLD BUSINESS

1) John P. Carreon, Senior Counsel, Sears Holdings Corporation, K-Mart – Regarding Board’s decision on K-Mart’s on-time guarantee program

Elvy Paiva moved, seconded by Thomas Bender to support the previous motion in which the distribution of the gift card is permissible for those prescriptions that are not ready by the guaranteed time to those persons who are 60 and older as per N.J.S.A. 45:14-65(e). The motion passed unanimously.

2) Advance Practice Nurses’s CDS Prescribing – Update on NJPB usage

The Board accepted this as informational and will include it in the next Board newsletter.

3) HIPPA - How to file a complaint

Submitted by DAG Joyce Brown at Board’s request

The Board accepted this as informational.

VIII. NEW BUSINESS

1) Yasoda Sannala – Reciprocity candidate requesting waiver of intern hours

Edward McGinley moved, seconded by Elvy Paiva to waive 500 hours in internship after approval of preceptor and application of internship received. The motion passed unanimously.

2) Karen M. Ryle, MS, Rph – Candidate for Executive Committee for NABP District One

This item has been tabled to the March 22, 2006 meeting.

3) Lynn Rubinstein, Executive Director, Northeast Recycling Council – Regarding collecting and destroying unwanted medications from consumers

Edward McGinley moved, seconded by Elvy Paiva to support the efforts of the Northeast Recycling Council, Inc. in their collection project in Paramus on June 11, 2006, in that it promotes good environmental stewardship and aids in the protection of the consumer and the general public which is a much needed effort in our society. The Board will also send this information to the Commissioner of the Dept. of Health and Senior Services along with a copy of the motion. The motion passed unanimously.

4) Lisa M. Drucker, R.Ph. – Selected for CE audit and questioning whether the Robert Wood Johnson Human Sexuality Program entitled "Sexuality, Self and Society" would qualify as graduate course work relevant to the practice of pharmacy as stated in NJAC 13:39 - 3A.2(a)3.

Edward McGinley moved, seconded by Marc Sturgill to accept the 1.5 credits of the Human Sexuality Program and to accept the 3.0 college credits (for a total of 9 CE credits) of the Multinational Corporations and their Social Responsibilities, based upon the submission of proof that she has successfully passed the courses. She can not carry any of the submitted courses over to the next renewal period. The motion passed 6 to 2.

5) Review of Senate Bill No. 1240 – Pharmacy Benefits Management Company Act

Thomas Bender moved, seconded by Sy Larson to support Senate Bill 1240. The motion passed unanimously.

6) Diane M. Pruss, R.Ph., Pharmacy Manager, Muhlenberg Regional Medical Center – Requesting a waiver to perform a 10% cart check of those medications dispensed via the Robot-Rx system

Edward McGinley moved, seconded by Marc Sturgill to approve the waiver to perform a 10% cart check of those medications dispensed via the Robot-Rx system. The motion passed unanimously.

IX. MITIGATIONS

1) Nicholas G. Brescia, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed 6 to 1.

2) Debra Brophy, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Sy Larson to accept her request for mitigation for the \$1,000 portion of the fine. The motion passed unanimously.

3) Steven Castronovo, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Edward McGinley to deny his request for mitigation. The motion passed 6 to 1.

4) Charles E. Dahm, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Marc Sturgill to deny his request for mitigation. The motion passed 6 to 1.

5) Ilene Estes, R.Ph. – Regarding CE audit

Marianne Greenwald, Deputy Attorney General, will follow up for clarification.

6) Steven Freifeld, R.Ph. – Regarding CE audit

Elvy Paiva moved, seconded by Thomas Bender to deny his request for mitigation. The motion passed 6 to 1.

7) Donna B. Gesumaria, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Axel Miranda to accept her request for mitigation. The motion passed 6 to 1

8) Frank A. Maddalena, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Marc Sturgill to accept his request for mitigation. The motion passed unanimously.

9) Yelen Golshtyen-Orodovskaya, R.Ph. – Regarding CE audit

This matter was tabled. Elvy Paiva recused due to her affiliation with Walgreens.

10) Christopher Groeger, R.Ph. – Regarding CE audit

Axel Miranda moved, seconded by Elvy Paiva to accept his request for mitigation. The motion passed unanimously. Pamela Allen recused due to Mr. Groeger's employment at St. Barnabas.

11) Arthur Grossman, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Marc Sturgill to deny his request for mitigation. The motion passed 6 to 1.

12) Scott Gura, R.Ph. – Regarding CE audit

The Chair directs Mr. Gura to submit continuing education credits from previous renewal period. Board of Pharmacy

13) Jennifer Hoefner, R.Ph. – Regarding CE audit

Edward McGinley moved, seconded by Thomas Bender to deny her request for mitigation. The motion passed 6 to 1.

14) Ken W. Holland, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed 6 to 1.

15) William Huy, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed unanimously.

16) Neil B. Brower, RPIC, CVS, Somers Point, NJ

Edward McGinley moved, seconded by Thomas Bender to deny his request for mitigation. The motion passed unanimously.

17) Sheikh Ellahisiddiqui, RPIC, High Grounds Pharmacy, Elizabeth, NJ

This item has been rescheduled for the Board's opportunity to review the inspection report.

18) Alan Zampieri, RPIC, Bi-State Pharmacy, Old Tappan, NJ

Elvy Paiva moved, seconded by Thomas Bender to deny his request for mitigation. The motion passed unanimously.

19) James Krahulec, Rite Aid, Denville, NJ

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed unanimously.

X. CONFERENCES

XI. COMMITTEE REPORTS

XII. APPROVAL OF MINUTES

1) February 8, 2006

This item has been tabled.

XIII. ADJOURNMENT

At 10:24 a.m., Thomas Bender moved, seconded by Marc Sturgill to enter into Executive Session for advise of counsel. The motion passed unanimously.

At 10:50 a.m., Thomas Bender moved, seconded by Marc Sturgill to enter into Public Session. The motion passed unanimously.

At 11:30 a.m., Thomas Bender moved, seconded by Marc Sturgill to enter into Executive Session to review (5) Consumer Complaints, (4) New Business, (3) Retail IV Permits, and (10) Inspection Reports. The motion passed unanimously.

At 12:28 p.m., Elvy Paiva moved, seconded by Axel Miranda to enter into Public Session. The motion passed

unanimously.

At 12:29 p.m., Axel Miranda moved, seconded by Margherita Lafragola to enter into Executive Session. The motion passed unanimously.