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New Jersey Office of the Attorney General

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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION February 22, 2012

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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 22, 2012 at 9:05 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 that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Public 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
Margherita Cardello, R.Ph.	
Marc Sturgill, R.Ph.	
Richard Palombo, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	

OTHERS IN ATTENDANCE

Anthony Rubinaccio	Executive Director
Megan Cordoma	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1) BrightStar Electronic Agendas demonstration

Bright Star Program Director Frederika Robinson and staff members gave a brief presentation/training on the electronic agenda process

2)The Executive Director reported that \$14,275.00 was collected in fines and penalties during the month of January 2012. The following permits/licenses/registrations were issued during the month of January 2012:

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- Technicians - 126
- Pharmacists - 29 (16 by examination/score transfer, 10 by reciprocity)
- Out of state pharmacies - 16
- In state pharmacies - 5
- Pharmacists receiving immunization approval - 30
- Interns (foreign graduates) - 7

V. OLD BUSINESS - Updates

1) Public Orders filed:

- a) Lucille Leone-Walker, R.Ph.
- b) Sean Watson, R.Ph.
- c) Heidi Elzer, R.Ph.
- d) Howard Cook, R.Ph.
- e) Karen Andriola, Technician
- f) Michael Baggiano, Technician

The Board reviewed public orders filed, and accepted as informational.

2) Finalization of Provisional Orders of Discipline:

- a) Daniel Dombrowski, Technician

Recognizing that no response was submitted to the Provisional Order of Discipline issued in this matter, Margherita Cardello moved, seconded by Thomas Bender to finalize the Provisional Order of Discipline without modification. **Motion passed unanimously.**

VI. NEW BUSINESS

1) Don Robbie, R.Ph. (MA) - Requesting that the Board accept internship hours completed pursuant to NJAC 13:39-2.1 b(4) .

The Board reviewed correspondence submitted by Mr. Robbie and his preceptor, a New Jersey pharmacist indicating that Mr. Robbie completed internship hours required by N.J.A.C. 13:39-2.1b(4) based upon verbal communication with the Board office but prior to submission of an internship application.

Thomas Bender moved, seconded by Richard Palombo to accept Mr. Robbie's internship hours and work history and allow Mr. Robbie to proceed with his application for reciprocity. **Motion passed unanimously.**

2) Noha Faltas - Applicant requesting TOEFL waiver.

The Board reviewed correspondence requesting a waiver of the requirement that applicants for initial licensure successfully pass the TOEFL examination.

Thomas Bender moved, seconded by Margherita Cardello to deny waiver request and noted that the Board routinely denies such requests when documentation of any impairment or

disability that would impact on ability to pass the examination is not provided. **Motion passed unanimously.**

3) Mohamed Elgadi - Applicant requesting TOEFL waiver.

Thomas Bender recused, due to his affiliation with Walgreens.

The Board reviewed correspondence requesting a waiver of the requirement that applicants for initial licensure successfully pass the TOEFL examination.

Stephen Lieberman moved, seconded by Margherita Cardello to deny waiver request and noted that the Board routinely denies such requests when documentation of any impairment or disability that would impact on ability to pass the examination is not provided. **Motion passed unanimously.**

4) Piyush Vyas - Requesting to transfer internship hours completed in New Jersey to another state.

The Board reviewed correspondence from Mr. Vyas requesting to transfer his completed internship hours in New Jersey to the Indiana State Board of Pharmacy.

Marc Sturgill moved, seconded by Richard Palombo to allow the transfer, if the Indiana State Board of Pharmacy accepts the internship hours completed in New Jersey. **Motion passed unanimously.**

5) BMC Pharmacy, Jigish Bahfsa RPIC - Requesting retail permit for a tele-Pharmacy.

Pharmacist Bahfsa attended the meeting to answer questions/concerns that the Board may have regarding his request, the Board also reviewed information detailing the proposed concept.

Thomas Bender moved, seconded by Margherita Cardello to deny request, under the current proposal. **Motion passed unanimously.**

VII. MITIGATION/ HEARING REQUESTS

1) Melissa Dizona RPIC, Specialty Rx,- Inspection Report.

The Board reviewed correspondence submitted in response to a Uniform Penalty Letter. Richard Palombo moved, seconded by Stephen Lieberman to move into closed session for advice of counsel. Upon return to open session Marc Sturgill moved, seconded by Richard Palombo to table this matter to allow the DAG to obtain additional information from Specialty Rx.

2) Rabob Abdou, RPIC, Walgreens - Inspection Report.

Thomas Bender recused, due to his affiliation with Walgreens.

The Board reviewed correspondence submitted in response to a Uniform Penalty Letter.

Stephen Lieberman moved, seconded by Margherita Cardello to deny mitigation request of the warning, the \$50.00 fine issued pursuant to NJAC 13:39-7.18, the \$250.00 fine issued pursuant to NJAC 13:39-6.2(f)7, the \$50.00 fine issued pursuant to NJAC 13:39-2.10(b) and the \$50.00 fine issued pursuant to NJAC 13:39-5.3(b). **Motion passed unanimously.**

3) Lorraine Williams, R.PH., CVS - Inspection Report.

The Board reviewed correspondence submitted in response to a Uniform Penalty Letter in which the conduct was acknowledged and a cease and desist/ letter of corrective action was agreed to. The Board accepted as informational.

4) Michael Both, RPIC, RiteAid - Inspection Report.

Margherita Cardello recused, due to her affiliation with Rite Aid.

The Board reviewed correspondence submitted in response to a Uniform Penalty Letter.

Richard Palombo moved, seconded by Mahesh Shah to remove from a pharmacy inspection (report #8-2403-11-921) the \$100.00 fine issued pursuant to NJAC 13:39-5.6, and the \$100.00 fine issued pursuant to NJAC 13:39-4.15(c)4. Motion passed unanimously.

VIII. COMMITTEE REPORTS

Margherita Cardello informed the Board that she is scheduling a meeting between Enforcement Bureau, and a committee of the Board to discuss the pharmacy inspection process.

IX. APPROVAL OF MINUTES

January 25, 2012

Marc Sturgill moved, seconded by Stephen Lieberman to approve the January 25, 2012 Open Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At 11:03 a.m. Margherita Cardello moved, seconded by Mahesh Shah to adjourn Public Session and move into Executive Session for the review of 9 complaints, 1 Old Business Items, 4 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 3 Investigative Inquiries and the Approval of Minutes.