

Final

**NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF
THE OPEN SESSION OF FEBRUARY 23, 2005**

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Edward McGinley, Acting Chair, in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on February 23, 2005 at 9:09 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley, Acting Chair, 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 (arrived at 9:17 a.m.)
Edward McGinley Vice-President
Anthony Alexander, R.Ph.
Mona Doyle Public Member (Left at 2:50 p.m.)
Sophie Heymann Public Member
Ira Katz, R.Ph. (Arrived at 9:35 a.m.)
Robert Kowalski, R.Ph. Government Member (Left at 3:30 p.m.)
Richard Palombo, R.Ph. (Left at 3 p.m.)

OTHERS IN ATTENDANCE:

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

EXCUSED:

Edith Tortora Micale, R.Ph.

(Pamela Allen arrived to chair the Board for items IV-XII.)

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

Anthony Alexander moved, seconded by Robert Kowalski, 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 Anthony Alexander, to accept the Continuing Education Report for February 23, 2005. The motion passed unanimously

VI. VIOLATIONS PAID FOR THE MONTH OF JANUARY

N/A

VII. OLD BUSINESS

1) Medco Health– Two Month Status Report Regarding Work at Home Pilot Robert Kowalski moved, seconded by Anthony Alexander, to accept the two month status report regarding the work at home pilot submitted by Medco Health. Also, Medco is to submit a second report in two months for Board review. The motion passed unanimously.

Richard Palombo was recused due to his affiliation with Medco Health.

2) Colleen M. Faddick – Regarding licensure requirements for free standing dialysis facilities This was originally before the Board on 11/10/04 at which time the Board requested additional information.

The DAG will research this matter with the Board of Nursing and the Board of Medical Examiners then report back to the Board.

3) Central Fill Application Forms –final review and approval After a final Board review, Edward McGinley moved, seconded by Richard Palombo, to approve the central fill application form as amended. The motion passed unanimously.

VIII. NEW BUSINESS

1) Royston C.D. Irving, UMDNJ Pharmacy Supervisor – Regarding providing service to TB clinics in 4 counties Royston Irving and several other UMDNJ representatives appeared before the Board to seek guidance on the following issues:

If UMDNJ-hospital pharmacy license precludes the ability to dispense drugs to locations NOT on its operating license, can UMDNJ apply for a waiver to only accommodate the Statewide TB initiative?

If an outpatient license is needed, could provisions be made that will limit the Pharmacy to servicing only patients registered in the statewide program? (The patients in the program are treated through Direct Observation Therapy (DOT))

The DAG has been asked to research whether a government institution to different government entity. She will report back to the Board of her findings.

2) Heidi Stokes, Independent Pharmacy Alliance – Regarding giving OTC's free of charge to customers The DAG informed Ms. Stokes that the pharmacy is prohibited from giving over-the-counter medications free of charge to customers since pharmacies are not permitted to distribute premiums of any kind in conjunction with the sale of drugs. Additionally, the Chair directed to ask Heidi Stokes for a detailed proposal on the program if the pharmacy wishes to further pursue this matter.

3) Selection of Delegates for NABP's 101st Annual Meeting Ira Katz moved, seconded by Mona Doyle, to appoint Edward McGinley as a delegate and Anthony Alexander as the alternate delegate. The motion passed unanimously.

Pamela Allen moved, seconded by Sophie Heymann, to appoint Ira Katz as the second alternate delegate and Richard Palombo as the third alternate, in the event that both Edward McGinley and Anthony Alexander are unable to attend the NABP Annual 101st Meeting. The motion passed unanimously.

4) Terry Malanda, Mandell's Pharmacy, New Brunswick, NJ – Regarding discounts Ira Katz moved, seconded by Sophie Heymann, to inform her that her request for a PBM is permissible and that she should seek the advice of outside counsel regarding the other two issues posed in her letter. The motion passed unanimously.

5) Ronald J. Monacelli – Candidate applying for reinstatement and requesting a waiver of NJSA 13:39 –2.17(b) Sophie Heymann moved, seconded by Anthony Alexander, to deny his request for a waiver of N.J.S.A.13:39-2.17(b) since the Board of Pharmacy does not have the jurisdiction to grant the waiver of N.J.S.A.45:1-7.1(d). The motion passed unanimously.

The following two candidates are requesting waivers. The waiver committee will recommend action.

6) Jane Shin-Request to waive log book Ira Katz moved, seconded by Sophie Heymann, to inform the respondent that there is no waiver to be granted since, at this time, there is no longer a log book requirement. The respondent is to be informed that she must submit all documents regarding the externship hours she received from college and she should proceed with taking the NAPLEX. In addition, her past employers, Cardinal Health and GE Healthcare, must each submit a letter stating they were fully aware that she was not a pharmacist and that she never functioned as a pharmacist in their pharmacies. The motion passed unanimously.

7) Shefali Patel- Request to consider work experience as internship hours Sophie Heymann moved, seconded by Robert Kowalski, to accept 660 internship hours and to inform her that she must complete the remaining 340 intern hours. In addition, her preceptor must update her practical experience affidavit. The motion passed unanimously. Edward McGinley was recused from this item since the respondent is a Pathmark employee.

8) Ioiou Sytwu- TSE Waiver Robert Kowalski moved, seconded by Mona Doyle, to grant the respondent's request for a waiver of the TSE. The motion passed unanimously.

Richard Palombo, an NABP Executive Committee Member, abstained from the vote since this issue is being reviewed by NABP.

IX. CONFERENCES

N/A

X. COMMITTEE REPORTS

1) Pharmacy Practice Act – Technician Workgroup Review and approve draft regulations.

Richard Palombo moved, seconded by Sophie Heymann, to accept the recommended modifications to the drafted regulations and send it back to the Rules and Regulations Committee for further action. The motion passed unanimously.

2)Rite Aid Pharmacy Technician Training Program Reviewed by Edward McGinley Edward McGinley moved, seconded by Robert Kowalski, to accept Rite Aid Pharmacy's technician training program with the following comments. They are advised to include a copy of the criteria sheet for the instructor and the technician. They must include a copy of the most current rules and regulations. The motion passed unanimously.

Anthony Alexander was recused from this item due to his affiliation with Rite Aid.

3)CVS Pharmacy Technician Training Program Reviewed by Anthony Alexander Anthony Alexander moved, seconded Sophie Heymann, to accept CVS's technician training program pending the Executive Director's review of the items he chose not to review in lieu of ethical restrictions. The motion passed unanimously.

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

5) Pharmacy Practice Act – Immunization Workgroup Ira Katz Ira Katz will author a letter to Anthony Miragliotta requesting an update on this matter.

XI. APPROVAL OF MINUTES

1) February 9, 2005 Sophie Heymann moved, seconded by Robert Kowalski, to approve the draft minutes of February 9, 2005 as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 1:10 p.m., Mona Doyle moved, seconded by Robert Kowalski, to enter into the Executive Session to review (11) complaints, (15) inspection reports, and (9) retail and IV permits. The motion passed unanimously.