

New Jersey Board of Pharmacy

Open Session Minutes of February 27, 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 Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on February 27, 2002 at 9:25 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 - left at 12:00 am (Executive Session)
Robert Kowalski, RP
Ira Katz, RP-arrived at 9:45 A.M.
Sophie Heymann - left at 12 Noon (Executive Session)
Richard Palombo, RP

EXCUSED:

Edith Tortora Micale, RP
Mona Doyle

OTHERS IN ATTENDANCE

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

IV. APPROVAL OF OPEN SESSION MINUTES OF FEBRUARY 13, 2002, JANUARY 23, 2002 AND JANUARY 9, 2002

Edward McGinley moved, seconded by Richard Palombo, to approve the Open Session Minutes of February 13, 2002 as amended. The motion passed unanimously.

Pamela Allen moved, seconded by Richard Palombo, to approve the Open Session Minutes of January 23, 2002 as amended. The motion passed unanimously.

Richard Palombo moved, seconded by Edward McGinley, to approve the Open Session Minutes of January

9, 2002 with additional corrections submitted by Marianne Greenwald, Deputy Attorney General.

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

Robert Kowalski moved, seconded by Sophie Heymann, to approve the Secretary's Report and Recommendation for Applications for Registration by Examination. The motion passed unanimously.

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

VI. SECRETARY'S REPORT AND RECOMMENDATION FOR APPLICATION FOR REGISTRATION BY RECIPROCITY

Robert Kowalski moved, seconded by Sophie Heymann, to approve the Secretary's Report and Recommendation for Application for Registration by Reciprocity.

The motion passed unanimously.

VII. NEW BUSINESS

(1) Letter from James Rivard, R.Ph., Virtua Health, re: the use of disposable infusion pumps in hospital outpatient surgery centers

Sophie Heymann moved, seconded by Robert Kowalski, that the practice described is not unlawful in an institutional practice, however, the Board cannot make a determination as to whether it is medically appropriate. The motion passed unanimously.

(2) Letter from Mike Schreier, Rx Sample Solutions, re: preprinted prescriptions

Richard Palombo moved, seconded by Edward McGinley, that pre-printed prescription blanks are allowable by law as long as they comply with the NJPB statute, citing N.J.S.A. 45:14.1 et seq. The motion passed unanimously.

(3) Memo from Larry Klein, Technical Consultant, NABP, re: Questions for the MPJE Program

The Board volunteered to accept the assignments of the Executive Director. The task of writing questions for the MPJE Program must be accomplished by March 18, 2002.

(4) Letter from A.J. Jacob-reinstatement fee waiver request

Richard Palombo moved, seconded by Edward McGinley, to deny A.J. Jacob's request for a waiver of the reinstatement fee. They pointed out that it is incumbent upon the licensee to notify the Board if he or she does not receive a renewal form. A.J. Jacob must pay the reinstatement fee of \$350 plus \$280 for renewal periods of '99-01 and '01-03, do 60 hours of continuing education, and swear in a notarized statement where she has been working and that she has not worked in the state since 1999 when her license lapsed. The motion passed unanimously.

(5) Memo from Robert A. Elker, Enforcement Bureau, re: Retail Pharmacy Signs (need a final decision on this matter which has been previously addressed)

Robert Kowalski moved, seconded by Pamela Allen, that the current retail pharmacy sign regulation must be

followed and should be enforced. Pharmacies can, however, apply for a waiver. Any policy or guideline regarding signage is not enforceable.

VIII. ADDITIONS TO AGENDA

(1) National Association of Boards of Pharmacy (NABP) Meeting in May; HIPAA Regulations

The Board agreed to request a waiver of the Division's policy of one person per trip with respect to the NABP meeting in May, as Anthony Alexander is on the NABP Nominating Committee, and Richard Palombo is on the HIPAA Task Force and also plans to run for NABP office.

Ed McGinley recently attended a conference regarding HIPAA. These laws will have a great impact on the profession and will change the way pharmacy is practiced. The Board should take an active role in educating the profession and the public. By April 2003, each pharmacy will need from each patient or caregiver a signed consent form and authorization statements regarding use of information. It was agreed that information regarding this subject, including the NABP recommendations, should be put in the next newsletter.

(2) Marianne Greenwald, D.A.G.: New Public Records Act

Marianne Greenwald, Deputy Attorney General, spoke of the new public records act due to go into effect on July 8, 2002.

IX. RECESS TO EXECUTIVE SESSION

At 11:00 am, Robert Kowalski moved, seconded by Edward McGinley, for the Board to enter Executive Session for the purpose of four Investigative Inquiries, and to receive advice and counsel in regard to these matters, to review 8 retail and IV permits, 15 inspections, and 5 consumer complaints. The motion passed unanimously

XII. ADJOURNMENT

Richard Palombo moved, seconded by Robert Kowalski, to adjourn the meeting at 3:30 P.M. The motion passed unanimously.

Respectfully submitted,

Debora C. Whipple
Executive Director