



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
124 Halsey Street, 6th Floor, Newark, NJ 07102



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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION March 9, 2011

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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 March 9, 2011 at 9:00 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 to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Meetings Act N.J.S.A., Chapter 231, PL 1975, /C. 10:4-8.

III. ROLL CALL

Edward G. McGinley, R.Ph.
Thomas Bender, R.Ph.
Richard Palombo, R.Ph.
Margherita LaFragola, R.Ph.
Marc Sturgill, R.Ph.
Stephen Lieberman, R.Ph.
Mahesh Shah, R.Ph.

President
Vice President

Left at 11:30 a.m.
Excused

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.
Jodi Krugman
John Huglemyer
Maria Bertorelli

Executive Director
Deputy Attorney General
Deputy Attorney General
Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$7,475.00 was collected in fines and penalties during the month of February 2011.

The following permits/licenses/registrations were issued during the month of February 2011:

- Technicians - 158
- Pharmacists - 22 (11 by examination/score transfer, 11 by reciprocity)
- Out of state pharmacies - 7
- In state pharmacies - 6
- Pharmacists receiving immunization approval - 39
- Interns (foreign graduates) - 6

V. OLD BUSINESS

1) Finalization of Provisional Orders of Discipline

a) Solomon Maduko

Thomas Bender moved, seconded by Margherita LaFragola to approve the Final Order of Discipline. **Motion passed unanimously.**

VI. NEW BUSINESS

At 10:35 a.m. Margherita LaFragola motioned, seconded by Thomas Bender to move into Executive Session for Counsel guidance in the matter of Charles Rubinstein.

At 10:55 a.m. Thomas Bender motioned, seconded by Stephen Lieberman to move back into Public Session.

1) Charles Rubinstein, R.Ph. – Notification from PAPNJ of discontinuance of the monitoring program.

Thomas Bender moved, seconded by Stephen Lieberman to send a letter to Mr. Rubinstein and request him to submit a personal narrative and any supporting documents that may be used to explain reasons for violating the Board's directives on the Order of Reinstatement, Filed December 29, 2008, specifically asking for an explanation on possible violations to Paragraph 4 (J, K, & M) and Paragraph 5. Mr. Rubinstein is to respond within 5 days of receipt of the Board's letter. **Motion passed unanimously.**

2) Ken Wolski, RN, MPA, Executive Director, Coalition for Medical Marijuana New Jersey, Inc. – Regarding Compassionate Use Medical Marijuana Act

Richard Palombo moved, seconded by Margherita LaFragola to refer this matter to the Division of Consumer Affairs. CDS regulations are not under the Board's jurisdiction and are not less restrictive than the Federal classifications. **The motion passed unanimously.**

3) Ahmed Abouelhoda, R.Ph. – Request for reinstatement of his license to practice pharmacy in New Jersey

Margherita LaFragola moved, seconded by Thomas Bender that Mr. Abouelhoda's application is premature. His legal counsel needs to demonstrate that the forfeiture of his pharmacist license as stated in the Judgement of Conviction is not intended to be permanent and that he is able to seek reinstatement. **Motion passed unanimously.**

4) Srinivas Ghatta, Registered Intern – Requesting a partial waiver of intern hours required as stated in NJAC 13:39 – 2.1(b)4

Thomas Bender moved, seconded by Richard Palombo to advise Mr. Ghatta that pursuant N.J.A.C. 13:39-2.6(b)3 no credit shall be given for hours served as a pharmacy intern prior

to the applicant's registration with the Board and approval of the intern preceptor by the Board. Mr. Ghatta did not receive his FPGE certificate until October 11, 2010. Therefore, pursuant to N.J.A.C. 13:39-2.1(b)4 he needs to complete a 1,440 hour internship. **Motion passed unanimously.**

5) Review of Draft of Sterile & Non-Sterile Compounding Regulations

Thomas Bender moved, seconded by Margherita LaFragola to approve the draft as amended. The Board acknowledged and praised Regulatory Analyst Maryann Sheehan on an outstanding job preparing the draft for the Sterile & Non-Sterile Compounding Regulations. **Motion passed unanimously.**

Executive Director Boyer, gave thanks to Board Member Mr. Thomas Bender and former Board Member Mr. Peter Halecky for all their tremendous work, expertise, contribution, knowledge and assistance in the preparation of this draft, Mr. Bender invited Stakeholders and Members of U.S. Pharmacopeia (USP) to attend a Compounding Committee meeting for their assistance and input. Finally, Ms. Boyer acknowledged and thanked another former Board Member, Ms. Pamela Allen for her assistance, contribution, knowledge and input in the writing of this draft as well.

6) Review of Draft of Data Entry/Prescription Accuracy Regulations

Thomas Bender moved, seconded by Margherita LaFragola to approve the draft of NJAC 13:39 – 7.6, 9.19, 11.9, and 12.2. Proposed NJAC 13:39 – 6.16 is to be referred back to the Board's Rules & Regs Committee for further definition of prescription medication information. **Motion passed unanimously.**

VII. MITIGATION/ HEARING REQUESTS

1) Yelena Tulma, RPIC, Rite Aid, Port Monmouth, NJ

Margherita LaFragola recused due to her affiliation with Rite Aid.

Thomas Bender moved, seconded by Stephen Lieberman to mitigate the \$500.00 fine issued pursuant to N.J.A.C 13:39-6.6 if Kathlenn Wombough had complied with NJAC 13:39 – 6.6(c). Upon further examination it was noted that she submitted her application on April 8, 2009 and that she stated that she had been employed as a technician since August 18, 2008. She completed her registration on December 13, 2010. Due to this information the mitigation is denied. **Motion passed unanimously.**

2) John Herr, RPIC/Owner, Town & Country Compounding & Consultation Services, LLC, Ridgewood, NJ

Thomas Bender moved, seconded by Mahesh Shah to mitigate the \$500.00 fine issued pursuant to N.J.A.C. 13:3939-11.17(g). **Motion passed unanimously.**

3) Richard Chorbak, RPIC, Walgreens, Neptune, NJ

Thomas Bender recused due to his affiliation with Walgreens.

Richard Palombo moved, seconded by Margherita LaFragola to mitigate the \$250.00 fine imposed pursuant to N.J.A.C. 13:39-10.3(b)2 and the \$100.00 fine issued pursuant to N.J.A.C 13:39-10.6(a)2. **Motion passed unanimously.**

4) Jigna Patel, Walgreens, Magnolia, NJ

Thomas Bender recused due to his affiliation with Walgreens.

Richard Palombo moved, seconded by Stephen Lieberman to mitigate the \$50 fine issued pursuant to NJAC 13:39 – 5.3(b) & (c). **Motion passed unanimously.**

5) Gary DelPiano, RPIC, Trinitas Comprehensive Cancer Center Pharmacy, Elizabeth, NJ

Richard Palombo moved, seconded by Thomas Bender to mitigate the \$1,500.00 fine issued pursuant to N.J.A.C. 13:39-11.7(c). **Motion passed unanimously.**

6) John Magalla, RPIC, Home Solutions Pharmacy, Livingston, NJ

Thomas Bender moved, seconded by Mahesh Shah to deny mitigation request for the \$2,500.00 fine issued pursuant to N.J.A.C. 13:39-11.20(b)3. **Motion passed 4-2.**

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) February 9, 2011

Thomas Bender moved, seconded by Stephen Lieberman to approve the February 9, 2011 Open Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At 11:02 a.m. Thomas Bender motioned, seconded by Richard Palombo to move into Executive Session for the review of 10 complaints, 4 Old Business Items, 6 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 1 Investigative Inquiry and the Approval of Minutes.