



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Board of Pharmacy
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NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION March 10, 2010

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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 Monmouth Room 7th Floor at 124 Halsey Street, Newark, New Jersey on March 10, 2010 at 9:16 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.	President
Thomas Bender, R.Ph.	Vice President
Margherita LaFragola, R.Ph.	
Elvy T. Paiva, R.Ph.	
Richard Palombo, R.Ph.	
Marc Sturgill, R.Ph.	
Peter Halecky, R.Ph.	

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph.	Executive Director
Jodi Krugman, Esq.	Deputy Attorney General
Maria Bertorelli	Administrator Assistant

IV. UPDATE BY EXECUTIVE DIRECTOR

1. The Executive Director reported that \$9,316.54 were collected in fines and penalties during the month of February 2010.

The following permits/licenses/registrations were issued during the month of February 2010:

- Technicians - 124
- Pharmacists - 22 (10 by examination/score transfer, 12 by reciprocity)
- Out of state pharmacies - 10
- In state pharmacies - 6
- Pharmacists receiving immunization approval - 27
- Interns (foreign graduates) - 1

V. OLD BUSINESS

1) Charles Rubinstein, R.Ph. – Requesting a modification of his Order of Reinstatement

Margherita LaFragola moved, seconded by Thomas Bender to deny Mr. Rubinstein's request for modifications to his Order of Reinstatement. **Motion passed 6-1**

VI. NEW BUSINESS

1) John Guercio, R.Ph. , part owner, Bald Eagle Pharmacy, West Milford, NJ – Requesting a waiver of NJAC 13:39 – 7.18

Elvy Paiva moved, seconded by Richard Palombo to send a letter to Mr. Guercio requesting a reply and an appearance to further inform the Board of procedures regarding the Care Plus request to keep prescription samples in a locked cabinet inside Bald Eagle Pharmacy, as to:

- **Security (e.g. who will have access, who will stock cabinet.)**
- **Protocols as to who will have access to cabinet.**
- **Who/How would inventory control be kept?**
- **List of Authorized users.**
- **Location of locked cabinet**

Motion passed unanimously.

2) Tracy A. Goulden, Sr. Licensing Specialist, Medco Health solutions, Nashua, NH – Requesting waivers of NJAC 13:39 – 5.5 thru 5.8, 5.11 and 7.12 for the Medco Center for Pharmacotherapeutic Research, Willingboro, NJ (new permit application)

Richard Palombo recused due to his affiliation with Medco.

Elvy Paiva moved, seconded by Marc Sturgill to approve the waiver requests. **Motion passed unanimously.**

3) Joe Montoto, R.Ph., Rx Business Development, Shop Rite Pharmacy Division, Wakefern Food Corp., Jamesburg, NJ – Requesting Board approval of an on-line CPR program.

Chair directed for DAG Krugman to research if other Health Care Professions in New Jersey allow on-line CPR courses only, and to obtain feed back from EMT's regarding this matter. The Board has concerns with on-line CPR courses that do not have offer a didactic component and therefore do not allow the opportunity for students to ask questions. When the immunization regulations were written the Board did not anticipate an online CPR course.

4) David Samuels – Regarding unavailability of Pharmacist Self Assessment Mechanism (PSAM) from NABP

Thomas Bender moved, seconded by Peter Halecky to allow Mr. Samuels to proceed with the reinstatement of his license without the completion of Pharmacist Self Assessment Mechanism (PSAM) from NABP, providing that he complies with the rest of the stipulations on the Order.

Motion passed unanimously.

5) Munneswara B. Medi – Requesting approval of transfer of intern hours from Texas

Elvy Paiva moved, seconded by Richard Palombo to deny Mr. Medi's waiver request. This matter is addressed in N.J.S.A. 45:14-53(a)4, which is a statutory law and the Board is prohibited to a grant waiver of any statutory requirement.

Motion passed unanimously.

6) NABP Annual Meeting, May 22 – 25, 2010, Anaheim CA. – Delegate selection

Elvy Paiva moved, seconded by Marc Sturgill to nominate Edward McGinley as delegate and Thomas Bender as alternate delegate. **Motion passed unanimously.**

VII. MITIGATION/ HEARING REQUESTS

1) Prakash Maddali, RPIC/owner, E&M Pharmacy, Orange, NJ

Thomas Bender moved, seconded by Marc Sturgill to mitigate the \$1,000.00 fine imposed pursuant to N.J.A.C. 13:39-4.5(a). **Motion passed unanimously.**

2) George Rusuloj, RPIC/Owner, Bell Pharmacy, Edison, NJ

Marc Sturgill recused due to his professional relationship with Mr. Rusuloj.

Thomas Bender moved, seconded by Peter Halecky to mitigate the \$1,000.00 fine imposed pursuant to N.J.A.C. 13:39-11.14(b)7 & N.J.A.C. 13:39-11.25 and the \$1,000 fine imposed pursuant to N.J.A.C. 13:39-11.13(b) provided he submits documentation of compliance. He cannot begin compounding until such documentation is submitted and reviewed by the Executive Director. **Motion passed unanimously.**

VIII. COMMITTEE REPORTS

N/A

IX. APPROVAL OF MINUTES

1) February 24, 2010

Richard Palombo moved, seconded by Elvy Paiva to approve the February 24, 2010 Open

Session Minutes as amended. **Motion passed unanimously.**

X. ADJOURNMENT

At 10:48 a.m. Margherita LaFragola moved, seconded by Marc Sturgill to move into Executive Session for the review of 11 complaints, 2 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, conduct 1 Investigative Inquiry and the Approval of Minutes.