

**NEW JERSEY STATE BOARD OF PHARMACY  
MINUTES OF THE OPEN SESSION  
MARCH 12, 2008**

**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 12, 2008 at 9:01 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**

Mr. 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  
Pamela Allen, R.Ph.  
Peter Halecky, R.Ph. (Arrived at 9:12 am) Elvy T. Paiva, R.Ph.  
Marc Sturgill, R.Ph.  
Richard Palombo, R.Ph.  
Jennifer DeVenio Government Member

**OTHERS IN ATTENDANCE**

Joanne Boyer, R.Ph. Executive Director  
Marianne Greenwald, Esq. Deputy Attorney General

**EXCUSED**

Margherita Lafragola, R.Ph.  
Axel Miranda Public Member

**IV. UPDATE BY EXECUTIVE DIRECTOR**

The Executive Director announced that \$27,675.00 was collected in fines and penalties during February, 2008. There were 33 pharmacists licensed during the month of February, 2008. Fourteen by reciprocity and 19 by examination/score transfer.

There were 6 pharmacy permits issued during the month of February, 2008. These were issued as the result of transfer of ownership or new pharmacies opening. Jointly proposed new rules (by the Board of Medical Examiners and Board of Pharmacy): NJAC 13:35 – 6.26 and NJAC 13:39 – 4.20, Procedures for Physician Ordered or Government Sponsored Immunizations Performed by Pharmacists were published in the New Jersey Register on March 3, 2008 for public comment. All comments are to be submitted to William Roeder, Executive Director, Board of Medical Examiners or Joanne Boyer, Executive Director Board of Pharmacy by May 2, 2008.

**V. CONTINUING EDUCATION REPORT**

Pamela Allen moved, seconded by Elvy Paiva to accept the continuing education report. The motion passed unanimously.

## **VI. OLD BUSINESS**

1) Jennifer Factor, Sr. VP of Operations, Partners, Cranford, NJ – Regarding the ability of a pharmacist to enter orders from home instead of the pharmacy This matter was last before the Board on 11/14/07 and 12/12/07 at which time the Board requested additional information

Elvy Paiva moved, seconded by Jennifer DeVenio to refer this matter to the Rules & Regs Committee for drafting of a pilot program. The motion passed unanimously.

2) Brian F. McBride, R.Ph. – Regarding the sale of cigarettes and other related tobacco products in pharmacies This matter was last before the Board on 10/10/07

Pamela Allen moved, seconded by Peter Halecky to inform Mr. McBride that the Board has not historically issued non-binding position statements and chooses not to do so at this time. Mr. McBride may pursue this matter with the Department of Health & Senior Services. The motion passed unanimously.

## **VII. NEW BUSINESS**

1) Assembly Bill No. 2095 – Establishes 6 member "Prescription Drug Labeling Task Force"

Thomas Bender moved, seconded by Richard Palombo to oppose this Bill. The Board determined to include the one year use by dating referred to in NJAC 13:39 – 7.12(a)13i since this is what was determined collectively, by the FDA and USP, to be safe and was meant for the protection of the public since it cannot be predicted how a consumer will store a dispensed prescription once it leaves the pharmacy. Drug Manufacturers determine expiration dates based on stability studies done for that specific product in a specific type of container, which includes the type of seal and dessicant used. Once a product is removed from the manufacturer's container, the expiration date on that specific container is no longer applicable. The motion passed unanimously. 2) K-Mart's American Fare Dollar Program – Will offer customers a choice of 10 over the counter medications from the chain's American Fare brand for \$1 with every prescription purchase

The Chair directs that this program appears to be in violation of NJSA 45:14 – 65(e) unless it is restricted to those customers over the age of 60. The Executive Director will contact K-Mart to assure compliance with Board statutes. The motion passed unanimously.

## **VIII. MITIGATION/ HEARING REQUESTS**

1) Ichie Chou, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Thomas Bender moved, seconded by Elvy Paiva to deny Ms.Chou's request for mitigation due to failure to show good cause. However, since Ms. Chou has submitted additional, acceptable CE credits for the renewal period, her fine will be reduced from \$1,425 to \$825. The motion passed unanimously.

2) Ronda Kharouba, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Pamela Allen moved, seconded by Elvy Paiva to deny Ms.Kharouba's request for mitigation due to failure to show good cause. However, since Ms. Kharouba has submitted additional, acceptable CE credits for the renewal period, her fine will be reduced from \$2,300 to \$2,100.The motion passed unanimously.

3) Patrick F. D'Cunha, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Elvy Paiva moved, seconded by Richard Palombo to deny Mr. D'Cunha's request for mitigation due to failure to show good cause. Mr. D'Cunha will be offered a payment plan for his fine. The motion passed unanimously.

4) Suzanne Trunk Williams, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Thomas Bender moved, seconded by Elvy Paiva to deny Ms. William's request for mitigation due to failure to show good cause. The motion passed unanimously.

5) Ginny Hon, R.Ph. – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Thomas Bender moved, seconded by Elvy Paiva to deny Ms. Hon's request for mitigation due to failure to show good cause. Ms Hon is to be reminded that according to NJAC 13:39 – 3A.4(b), a licensee is to maintain all documentation concerning the completion of continuing education requirements for a period of 5 years from the completion of the credit hours. The motion passed unanimously

6) Grace Kim, R.Ph, – Regarding UPL issued for not completing the required CE for the May 1, 2005 thru April 30, 2007 biennial renewal period

Elvy Paiva moved, seconded by Peter Halecky to deny Ms. Kim's request for mitigation due to failure to show good cause.. The motion passed unanimously.

## **IX. COMMITTEE REPORTS**

N/A

## **X. APPROVAL OF MINUTES**

1) February 27, 2008

Elvy Paiva moved, seconded by Jennifer DeVenio to approve the minutes as amended. The motion passed unanimously.

## **XI. ADJOURNMENT**

At 10:03 am Elvy Paiva moved, seconded by Marc Sturgill to move into Executive Session for the review of 13 complaints, 6 Old Business items, 3 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports and approval of minutes. The motion passed unanimously