

Draft

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES OF MARCH 14, 2007**

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 Hudson Room, 6th floor at 124 Halsey Street, Newark, New Jersey on March 14, 2007 at 9:00 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 read a statement that the 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

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Elvy T. Paiva, R.Ph.
Pamela Allen, R.Ph.
Peter Halecky, R.Ph.
Marc Sturgill, PharmD
Margherita Lafragola, R.Ph.
Jennifer Barron Government Member

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Jodi Krugman Acting Deputy Attorney General (filled in for Marianne Greenwald)
Kiran Shamlall Clerk Typist

EXCUSED

Thomas Egan, Pharm.D
Axel Miranda
Marianne Greenwald Deputy Attorney General

IV. UPDATE BY EXECUTIVE DIRECTOR

Joanne Boyer, Executive Director, reported the following:

- a) As of March 9, 2007 3,900 pharmacists have renewed the license online
- b) Licenses issued for the month of February, 2007:14 by examination/score transfer, 4 via reciprocity
- c) Application to become licensed as a pharmacist by examination/score transfer and reciprocity are now available on the Board's website (www.njconsumeraffairs.gov/medical/pharmacy.htm) in Adobe Portable Document Format (PDF).
- c) Board staffing issue

Pamela Allen moved, seconded by Elvy Paiva, to issue a letter to the Acting Director, Stephen Nolan, expressing the Board's concern with the in-house staffing shortage since one-third of the positions are now vacant and this may impede on the ability of the Board to serve consumers, pharmacists, and pharmacies in the State. Jennifer Barron and Edward McGinley will collaborate on drafting said letter. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT FOR FEBRUARY

N/A

VI. OLD BUSINESS

1) Tom Davis, Director, Regulatory Compliance, and Jim DeVita, Director, Quality Assurance, CVS – Presentation on CVS's Quality Assurance Program (11:00 am) Jim DeVita and Tom Davis presented their Quality Assurance Program to the Board, distributed sample updated labels for review and the Board provided suggestions to ensure compliance with pharmacy statutes. They informed the Board that the program will be effective as of early 2008.

VII. NEW BUSINESS

1) Gregory Labuza, R.Ph. – Requesting a waiver of the didactic continuing education requirement (NJAC 13:39 – 3A.1(a)) Jennifer Baron moved, seconded by Margherita Lafragola, to waive the ten (10) didactic hours for this reporting period only and the Executive Director will advise him that there are telephonic modules that are credited as didactic that he can utilize to fulfill the requirement. Additionally, he is to be advised that the Board will not waive the didactic requirement for the next reporting cycle.

2) Antonio C. Feijoo, RPIC, Bell Pharmacy, Edison, NJ – Transfer of ownership and requesting to maintain same permit number Elvy Paiva moved, seconded by Jennifer Baron, to inform the respondent that he must provide a separate notarized letter agreeing to work the required thirty-five (35) hours for an RPIC, to approve his request to maintain the same permit number, to waive the ownership inventory requirement and an inspection, and that he must pay all required fees. The motion passed 7 to 1.

3) Frank Wang, Director of Pharmacy, Livingston LTC Pharmacy, South Plainfield, NJ – Requesting a waiver NJAC 13:39 – 6.3 and NJAC 13:39 – 4.14(a)4 Pamela Allen, who is employed by Saint Barnabas Healthcare System, was recused from this item since the respondent has an affiliation with Saint Barnabas. Jennifer Barron moved, seconded by Elvy Paiva, to grant a waiver on both regulatory issues. The motion passed unanimously.

4) Narendra Dalal – Request for reinstatement Pamela Allen moved, seconded by Elvy Paiva, to bring the respondent in for an investigative inquiry to determine the appropriate terms and conditions of reinstatement. The motion passed unanimously.

5) Pamela Mandel, Esq. – Correspondence regarding clinics in pharmacies with advanced practice nurses The Chair directed the DAG to reach out to the Board of Nursing and report back with adequate information on Stark laws and provide guidance for the next steps in addressing this issue.

6) Diana Bennett, Community Health Pharmacy, Newark, NJ – Transfer of ownership and requesting to maintain same permit number Elvy Paiva moved, seconded by Pamela Allen, to grant the respondent's request to retain the same permit number as long as they remain open the required forty (40) hours. They are to submit an amended application along with a separate notarized letter stating the pharmacy will be open the required forty (40) hours a week. The motion passed to 7 to 1.

7) Muhammad W. Nasim – Score transfer (5/2004) candidate; licensed in Maine 5/2005, licensed in NY 9/2006, did not obtain approval for preceptor who is only licensed in NY, and wants to proceed as a score transfer candidate Pamela Allen moved, seconded by Thomas Bender, to deny the respondent's request to proceed as a score transfer candidate. He can either serve another thousand hour internship under the appropriate terms or he can work a thousand (1,000) hours in New York and then reciprocate his license to New Jersey. The motion

passed unanimously.

8) Lawrence Carey – Regarding his expired status Pamela Allen moved, seconded by Peter Halecky, to obtain an opinion from the supervising DAG since there are different interpretations by various Boards. Once the Board obtains a permissive opinion from the supervising DAG then the waiver will be granted. The Board would like to have discretion to determine what experience is necessary to demonstrate competency and in lieu of exam. Additionally, he must take the Multi-State Jurisprudence Examination.

VIII. MITIGATIONS

1) Victor Mosquera, RPIC, Newport Pharmacy, Jersey City, NJ Elvy Paiva moved, seconded by Jennifer Baron, to mitigate the remaining \$1000 based on the proofs provided. The motion passed unanimously.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) February 28, 2007

This item has been re-scheduled for the next meeting.

XI. ADJOURNMENT

At 11:45 a.m., Elvy Paiva moved, seconded by Marc Sturgill, to adjourn the Public Session and enter into Executive Session to review (8) consumer complaints, (3) Old Business items, (7) New Business items, (4) Retail IV Permits, (27) Inspection reports and (30) Special Compliance Inspections. The motion passed unanimously.