

**NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES MARCH 22, 2006**

I. CALL TO ORDER

The open meeting of the New Jersey Board of Pharmacy was called to order by Board Vice President Edward McGinley in the Somerset Room, 6th floor at 124 Halsey Street, Newark, New Jersey on March 22, 2006 at 9:00 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

Mr. McGinley publicly thanked Mr. Larson for his service and dedication to the Board.

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 Vice-President
Jennifer Barron Government Member
Sy Larson Public Member
Thomas Bender, R.Ph
Peter Halecky, R.Ph.
Margherita Lafragola, R.Ph
Elvy T. Paiva, R.Ph
Marc Sturgill, Pharm. D

OTHERS IN ATTENDANCE:

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General
Kiran Shamlall Clerk Typist

EXCUSED:

Pamela Allen, R.Ph President
Axel Miranda Public Member
Thomas Egan, Pharm.D

IV. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROCITY, EXAMINATION AND GRADE TRANSFER

Elvy Paiva moved, seconded by Jennifer Barron, to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Jennifer Barron moved, seconded by Elvy Paiva, to accept the Continuing Education Report of March 22, 2006. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF FEBRUARY

N/A

VII. OLD BUSINESS

1) Joint Application to Conduct a Centralized prescription Handling Service – SoluNet, Totowa, NJ and The Community Hospital Group Inc t/a JFK, Edison, NJ This item was on the agenda 2/8/06 at which time the Board requested the names of the officers of The Community Hospital Group

Elvy Paiva moved, seconded by Jennifer Barron, to approve the application. The motion passed unanimously.

2) Ilene Estes, R.Ph. – Regarding CE audit

This item was on the 2/22/06 agenda at which time the Board requested follow up by the DAG

Thomas Bender moved, seconded by Elvy Paiva to deny her request for mitigation. The motion passed 7 to 1.

VIII. NEW BUSINESS

1) Kevin Fearon, R.Ph., Vice President of Operations, Omnicare – Requesting approval to replace final pharmacist check with a bar code scan process performed by a technician

Marc Sturgill moved, seconded by Elvy Paiva, to have Omnicare submit a copy of audit trail documentation, a copy of their Standard Operating Procedures, their training materials for conversion and their Quality Assurance Program. In addition, an inspection by the Enforcement bureau is to occur to view the process described in their request. The motion passed unanimously.

2) Communication from NABP – Partnership with Educational Credential Evaluators, Inc (ECE)

The Board accepted this as informational.

3)Dispensing alert from Reliant Pharmaceuticals regarding Omacor capsules and Amicar tablets

The Chair directs that this be included in the next quarterly Board newsletter.

4) Change of membership Interest in Sterling Medical Services, LLC, Moorestown, NJ

Elvy Paiva moved, seconded by Marc Sturgill, to have Sterling Medical Services submit a change of ownership application. The motion passed unanimously.

5) Kathleen Tooke, Portland, Or – Communication to the Board regarding professional behavior and ethics

The Board accepted this as informational.

6) Lawrence Earl, M.D., President and CEO, MiniMedCare, Chester, NJ – Communication regarding clinics in pharmacies Edwrad McGinley was recused since he has had communication with Dr. Earl regarding his proposal

This item will be referred to the Division of Law for further discussion.

7) Candidates for NABP Executive Committee positions:

a) President Elect – Oren Peacock, R.Ph.

b) Treasurer – Robert P. Giacalone, R.Ph.
John R. Dorvee, R.Ph.

c) District VI – Malcolm Broussard, R.Ph.
Robert Dufour, R.Ph.

d) District I – Karen M. Ryle, R.Ph.

e) District V – Betty Johnson, R.Ph.

Marc Sturgill moved, seconded by Elvy Paiva, to allow Board delegate Edward McGinley to vote for the candidate he deems most qualified based on the presentations of each candidate at the meeting. The motion passed unanimously.

8) Barbara Byers, RN, NJ Board of Nursing – Requesting Board opinion of providing medications to nursing home patients who leave the nursing home for a short period of time

The Chair directs that this be referred to the Board of Medical Examiners for an opinion as to whether a nurse can be considered an agent of the physician to perform physician dispensing.

9) David Weiss – Request for reinstatement

Marc Sturgill moved, seconded by Margherita Lafragola, to move this matter to Executive Session for advise of counsel and for the Board to review additional information. The motion passed unanimously.

10) Malav D. Kanuga – Request for waiver of TSE and personal interview

Mr. Kanuga appeared before the Board.

Margherita Lafragola moved, seconded by Elvy Paiva, to deny his request for waiver and advised him to take the IBT exam. The motion passed unanimously.

11) NABP's Proposed Resolutions for Annual Meeting

Please remember that the Committee on Resolutions, NABP Legal Counsel, and staff have not yet reviewed the resolutions. The resolutions are presented exactly as we received them at the NABP office. The resolutions do not represent any official position of the Association or position advocated by the NABP. The language and subject matter contained in the resolutions are solely the product of the entities that submitted them. The Board voted their support of the proposed resolutions as follows:

- a) 102-1-06 - Yes
- b) 102-2-06 - Yes
- c) 102-3-06 - Yes - 6; Opposed - 2
- d) 102-4-06 - 5 - opposed; 3 - unclear
- e) 102-5-06 - Yes - 2; No - 4; Need clarification - 2
- f) 102-6-06 - Yes - 7; No - 1
- g) 102-7-06 - Yes - 2; No - 4; More information - 2
- h) 102-8-06 - Yes
- i) 102-9-06 - Yes - 3; No - 5
- j) 102-10-06 - Yes
- k) 102-11-06 - Yes

IX. MITIGATIONS

1) William J. Yarnall, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Marc Sturgill to deny his request for mitigation. The motion passed 7 to 1.

2) Tatyana Zlotnick-Mazori, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Peter Halecky to deny her request for mitigation. The motion passed 7 to 1.

3) Ronald S. Vladyka, R.Ph. – Regarding CE audit

Mr. Vladyka has submitted additional acceptable credits which would lower his total fine to \$1,350

Jennifer Barron moved, seconded by Elvy Paiva, to deny his request for mitigation. The motion passed 7 to 1.

4) Niloofar Vaghar, R.Ph. – Regarding CE audit

This matter was moved to Executive Session.

5) Shannon Swiatek, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Marc Sturgill, to deny her request for mitigation. The motion passed 7 to 1.

6) James M. Sumka, R.Ph. – Regarding CE audit

This matter has been tabled.

7) Joshua Schenkman, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Elvy Paiva to deny his request for mitigation. The motion passed 7 to 1.

8) Barbara C. Roth, R.Ph. – Regarding CE audit

This matter has been tabled.

9) Vidhu Bansal, R.Ph. – Regarding CE audit

Ms. Bansal has submitted additional acceptable credits which would lower her total fine to \$2,800

This matter has been tabled.

10) Stephanie Kim, R.Ph. – Regarding CE audit

Elvy Paiva moved, seconded by Margherita Lafragola to deny her request for mitigation. The motion passed 7 to 1.

11) Jacquelyn Goldberg, R.Ph. – Regarding CE audit

Marc Sturgill moved, seconded by Peter Halecky to deny her request for mitigation. The motion passed 7 to 1.

12) Thu L. Tran, R.Ph. – Regarding CE audit

Jennifer Barron moved, seconded by Peter Halecky to deny his request for mitigation. The motion passed 7 to 1.

13) Tracey J. Alba, R.Ph. – Regarding CE audit

This matter has been tabled.

14) Lauren Wu-Rosenbaum, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Marc Sturgill to deny her request for mitigation. The motion passed 7 to 1.

15) Sanjay J. Modhera, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Peter Halecky to deny his request for mitigation. The motion passed 7 to 1.

16) Abdullah Al-Fdeilat, R.Ph. – Regarding CE audit

Thomas Bender moved, seconded by Marc Sturgill to accept his request for mitigation pending an official transcript. The motion passed 7 to 1.

X. CONFERENCES

N/A

XI. COMMITTEE REPORTS

N/A

XII. APPROVAL OF MINUTES

1) March 8, 2006

Margherita Lafragola moved, seconded by Marc Sturgill to approve the draft Minutes of March 8, 2006 as amended. The motion passed unanimously.

XIII. ADJOURNMENT

At 11:45 a.m., Elvy Paiva moved, seconded by Jennifer Barron to move into Executive Session to review (6) Consumer complaints, (6) New Business, (12) Retail IV Permits, and (15) Inspection reports. The motion passed unanimously.