

FINAL
NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF
THE OPEN SESSION OF MARCH 23, 2005

I. CALL TO ORDER

The Open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Pamela Allen in the Hudson Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on March 23, 2005 at 9:37 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Pamela Allen read a statement that 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

Pamela Allen, R.Ph. President
Edward McGinley, R.Ph Vice-President
Jennifer Barron Government Member
Thomas F. Egan, PharmD
Ira Katz R.Ph (Left at 12:50 p.m.)
Margherita R. Lafragola, R.Ph
Sy Larson, Ph.D Public Member
Elvy Paiva, R.Ph
Richard Palombo, R.Ph.
Marc Sturgill, PharmD

OTHERS IN ATTENDANCE:

Marianne Greenwald
Deputy Attorney General
Joanne Boyer, R.Ph.
Executive Director
Shonnette Messiah
Clerk Stenographer
Kiran Shamlall
Clerk Stenographer

EXCUSED:

Mona Doyle Public Member

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

Edward McGinley moved, seconded by Ira Katz, to accept the Secretary's Report and Recommendation for Registration by Reciprocity, Examination and Grade Transfer. The motion passed unanimously.

V. CONTINUING EDUCATION REPORT

Ira Katz moved, seconded by Edward McGinley, to accept the Continuing Education Report for March 23, 2005. The motion passed unanimously.

VI. VIOLATIONS PAID FOR THE MONTH OF FEBRUARY N/A

VII. OLD BUSINESS

1) St. Mary Hospital, Hoboken, NJ & Christ Hospital, Jersey City, NJ –Transfer of ownership requesting waiver to maintain existing pharmacy permit number

This was before the Board on 1/26/05 at which time the Board determined that once transfer of ownership applications were filed the Board would determine whether to grant a waiver to maintain the same permit number.

Edward McGinley moved, seconded by Richard Palombo to allow St. Mary Hospital and Christ Hospital to maintain the same permit numbers. The motion passed unanimously.

2) Joseph Kolakowski, Program Manager, Office of Emergency Planning & Operations, Dept. of Health and Senior Services – Regarding a waiver of N.J.A.C. 13:39-7.12.

This was before the Board on 3/9/05 at which time it was decided that the DAG would meet with a representative from the Attorney General's office, in order to ensure legal authority to address this issue. Mr. Kolakowski has provided the Board with the manual that contains all of the information related to this matter. Richard Palombo moved, seconded by Ira Katz to approve the following two statements to be sent to the Division for promulgation as the Board of Pharmacy or the Uniform Regulations as soon as possible:

"In the event of a public health emergency or any emergency declared by the Governor or the Commissioner of the Department of Health and Senior Services, notwithstanding any other board regulations, prescription legend medications and/or devices may be dispensed pursuant to protocols established by the Commissioner of the Department of Health and Senior Services." The legal authority for this is N.J.S.A. 45:14-48b(9).

"The Board may relax or disregard regulations promulgated as a uniformed enforcement act and adopted by the Board, if the Board determines that adherence would result in unfairness, injustice or hardship." Approval of these regulations are necessary for the Board to legally act on this matter in the event a P.O.D. is a pharmacy. The motion passed unanimously.

3) Central Prescription Handling Pharmacy Services Application – Rules & Regulations Committee Update

Based on further review of the process, the Rules and Regulations Committee has determined that it will be logistically difficult for each Pharmacist-In-Charge of each pharmacy involved in the centralized prescription handling process to complete an application. Instead, the committee recommends that each different parent corporation complete an application and attach a spreadsheet listing all of the pharmacies within their corporation that will be a part of the centralized prescription handling process. In addition, the corporation will be required to ensure that each Pharmacist-In-Charge of each pharmacy participating in the process has been notified and has acknowledged that he/she is responsible for complying with all applicable statute and regulations.

Edward McGinley moved, seconded by Elvy Paiva to accept the conceptual changes on the Central Fill Handling Pharmacy Services Application. The motion passed unanimously.

4) A.S.C.P. (American Society of Consultant Pharmacists) Mid-year Conference & Exhibition in Orlando, Florida- May 16-18, 2005

Richard Palombo moved, seconded by Jennifer Barron to pay for Elvy Paiva's registration for this Conference, if she is able to attend. The motion passed unanimously.

VIII. NEW BUSINESS

1) N.A.B.P. (National Association of Boards of Pharmacy) Launches V.A.W.D. (Verified-Accredited Wholesale Distributors) Program

Richard Palombo moved, seconded by Marc Sturgill to forward this news release along with the Board's recommendation that the V.A.W.D. program be included as part of the bill to the sponsors of Assembly Bill A3177 and Senate Bill S1753. These bills establish licensing requirements and standards for pharmaceutical wholesale distribution. This information should also be sent to the Bert Liebman, the legislative liaison in the Division of Consumer Affairs office. The motion passed unanimously.

2) Next Generation T.O.E.F.L.(Test of English as a Foreign Language) Launch Information

This new test will be introduced in the United States on September 24, 2005. The chair asked the Executive Director, Joanne Boyer to clarify with the N.A.B.P. when the Test of Spoken English (T.S.E.) will be discontinued in the United States. This has been referred to the Rules and Regulations Committee to determine what, if any, impact it has on our current regulations.

3) N.A.B.P. 101st Annual Meeting Poster Session

This item was considered as an FYI.

4) Tara Gabbianelli, NeighborCare, Moorestown, NJ – Clarification requested regarding technicians

NeighborCare asked if Medical Records Technicians are included in the Pharmacist to Technician ratio. The Board response was that the Medical Record personnel would only be included in the ratio if they were performing any of the tasks listed N.J.A.C. 13:39-6.6(a) or 13:39-6.6(b). NeighborCare should not use the term "technician" for the Medical Record personnel if they do not perform technician functions. The Board clarified the phrase "task protocol" to mean an outline of the chronological steps necessary to accomplish a job function.

5) Susan Drady, R.Ph., Assistant Director of Pharmacy, Trinitas Hospital -- Requesting clarification regarding laminar air flow hood location for Trinitas Hospital Outpatient Chemo Center (clean room vs. non clean room)

Richard Palombo moved, seconded by Thomas F. Egan that Trinitas would have to comply with N.J.A.C. 13:39-11.21 (previously 13:39-11.22) and 13:39-11.22 (previously 13:39-11.23), if they are going to prepare antineoplastic medications in a hood that is not in a clean room. Final approval by the Board of the actual area in accordance with N.J.A.C. 13:39-11.4 will be based on an inspection of the site. The motion passed unanimously.

6) Dominique Kern-Fields, PharmD, Director of Pharmacy services, Kessler Memorial Hospital, Hammonton, NJ – Regarding supplying medications to Occupational Medicine patients

Marc Sturgill moved, seconded by Thomas F. Egan that based on N.J.S.A. 45:14-32, Kessler can supply medications to the Occupational Medicine patients who are clinic patients of Kessler. The motion passed unanimously.

7) T.S.E. Waiver - Parag Patel & Swapna Atluri

Edward McGinley moved, seconded by Elvy Paiva to deny Parag Patel's request for the T.S.E. waiver. This was based on an interview in which it was determined that his communication is hampered and he is difficult to understand which could put patients at risk. It is recommended that he take additional course work to improve his diction and retake the T.S.E. The motion passed unanimously.

Richard Palombo moved, seconded by Margherita Lafragola to deny Swapna Atluri's request for the T.S.E. waiver. This was based on an interview in which it was determined that her communication is hampered and she is difficult to understand which could put patients at risk. It is recommended that she take additional course work to improve her diction and retake the T.S.E. The motion passed unanimously.

8) Recognition of Past Board Members

Ira Katz moved, seconded by Elvy Paiva to send out letters of appreciation, thanking the past Board members for

their service and hard work. The motion passed by acclamation of all members of the Board.

9) New Board Member Training

A training session has been scheduled for all new Board members from 9am until 12noon on Wednesday, April 6, 2005. Current Board members are also invited to attend.

10) New Member Welcome

Pam Allen asked each of the Board members to introduce themselves and tell everyone their background and where they worked. She then congratulated and welcomed them. A copy of her presentation is attached with the minutes.

IX. CONFERENCES

1) N/A

X. COMMITTEE REPORTS

1) Pharmacy Practice Act – Technician Workgroup

Review of amended technician regulations

Edward McGinley moved, seconded by Thomas F. Egan to accept the proposed pharmacy technician regulations as amended. The motion passed unanimously.

2) Pharmacy Practice Act – Collaborative Practice Workgroup

Pamela Allen

At this time there is no new information on this item.

3) Pharmacy Practice Act – Immunization Workgroup

Ira Katz

Ira Katz has drafted a letter to Tony Miragliotta to ask for his assistance in obtaining a response from the Board of Medical Examiners regarding the draft regulations that were sent to the B.M.E. last spring on these two issues.

XI. APPROVAL OF MINUTES

1) March 9, 2005

Edward McGinley moved, seconded by Elvy Paiva to accept the draft minutes of March 9, 2005 as amended. The motion passed unanimously.

XII. ADJOURNMENT

At 12:05 p.m., Edward McGinley moved, seconded by Thomas F. Egan to enter into the Executive Session to review (8) complaints, (18) inspection reports and (10) retail and institutional permits. The motion passed unanimously.