

**New Jersey State Board of Pharmacy
Minutes of The Open Session of
March 26, 2003**

FINAL

I. CALL TO ORDER

The open meeting of the New Jersey State Board of Pharmacy was called to order by Board President Anthony Alexander, in the Somerset Room, 6th Floor at 124 Halsey Street, Newark, New Jersey on March 26, 2003 at 9:20 A.M. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Anthony Alexander 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. 10:4-6.

III. ROLL CALL

PRESENT:

Anthony Alexander, R.Ph, President
Edward McGinley, R.Ph, Treasurer
Richard Palombo, R.Ph
Ira Katz, R.Ph-left at 3:00 P.M. - Executive Session
Mona Doyle, Public Member- left at 3:55 P. M. - Executive Session
Pamela Allen, R.Ph
Edith Micale, R.Ph
Sophie Heymann, Public Member

EXCUSED:

Robert Kowalski, RPh

OTHERS IN ATTENDANCE

Marianne Greenwald, Deputy Attorney General
Debora Whipple, Executive Director
Marie Wondeh, Principal Clerk Stenographer

IV. 1. APPROVAL OF FINAL OF OPEN SESSION MINUTES OF FEBRUARY 26, 2003

Pamela Allen moved, seconded by Mona Doyle to accept the minutes of February 26, 2003 as amended. The motion passed unanimously.

IV. 2. APPROVAL OF DRAFT OF OPEN SESSION MINUTES OF MARCH 12, 2003

This item was re-agendized to the next meeting.

V. SECRETARY'S REPORT AND RECOMMENDATION FOR REGISTRATION BY RECIPROcity, EXAMINATION, GRADE TRANSFER AND REINSTATEMENT

Pamela Allen moved, seconded by Mona Doyle, to approve the Secretary's Report and Recommendation for Registration by Reciprocity, Examination, Grade Transfer and Reinstatement. The motion passed unanimously.

VI. OLD BUSINESS

(1) Promptcare Pharmacy - Appearance by attorney, David Matyas of Epstein, Beder & Green and client in response to Board's request to appear to supply more information for allowing their retail pharmacy to furnish part of its inventory directly to a physician's office

The DAG will make a further inquiry regarding the Food and Drug Administration's position on this proposed concept., i.e., that it is not wholesaling nor in violation with the Board of Medical Examiners regulations regarding dispensing.

VII. NEW BUSINESS

(1) Joan Farrissey St. Joseph's Regional Medical Center - Requesting to have Abbott Laboratories ship their products to their hospital receiving dock and warehouse located at 800 Main Street in Paterson, NJ

Edward McGinley moved, seconded by Pamela Allen, to ask Enforcement to do an inspection to determine what security is provided at 800 Main Street and to examine how pharmaceutical stock is transported to the pharmaceutical areas in the pharmacy. The RP-in-charge of St. Joseph's Regional Medical Center has to file an amended application with the Board. The motion passed unanimously.

(2) Memo from Melissa Madigan, NABP - Re: Dietary Supplements Containing Ephedrine Alkaloids and HHS Acts to Reduce Safety Concerns Associated with Dietary Supplements Containing Ephedra

Richard Palombo moved, seconded by Mona Doyle, that the Board make a comment to the Food and Drug Administration endorsing their proposed warning statement appearing on all dietary supplements containing Ephedrine Alkaloids. The motion passed unanimously.

(3) Memo from Melissa Madigan, NABP - Re: ACPE Invitation to Comment: Pharmacy Technician Education and Training

Chair directs the Executive Director to respond to NABP and to ask them if there will be time available at the NABP Annual Meeting to have a workshop and that it be scheduled based on ACPE's agenda.

(4) NABP - Re: Newsletter Options

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

(5) NABP - Re: Importation of Drugs Outside of the United States

The Chair directed the Executive Director to send a letter to Melissa Madigan at NABP that the Board agrees with their comments.

(6) Eric M. Maroyka - Request for credit of his Pharm. D. courses

The Chair directs the Executive Director to contact Mr. Maroyka and request that he have the school send the Board an official transcript.

(7) Bernadette Williams - Request for credit of her Pharm.D. courses

Richard Palombo moved, seconded by Edward McGinley, to grant Ms. Williams three credits per credit hour for a total of 45 credits. The motion passed unanimously.

(8) Russell Becker - Waiver of law exam results

The Chair directed the Executive Director to inform Mr. Becker that he must follow the steps as stated in the statute, NJSA 45:1-7.1(b) (c)(d) that is required for reinstatement including a 500-hour practicum and he must take the NAPLEX and re-take the law exam.

(9) Diana Vamos

This item is to be re-agendized.

VIII. LEGISLATION

(1) Pharmacy Technician Regulations - Deputy Director Anthony Miragliotta and Regulatory Analyst Maryann Sheehan

On a motion by Ira Katz, seconded by Mona Doyle, to approve a 4-to-1 ratio with a maximum of 2 non PTCB certified and the right to petition the Board for a number greater than the 4-to-1 ratio. The motion passed.

(2) A-3406 - "New Jersey Fair Market Drug Pricing Act"

This bill establishes the New Jersey Rx Card Program to reduce prescription drug prices for residents of this state. The program is to be established in the Department of Health and Senior Services (DHSS), and is designed to enable the state to utilize manufacturer rebates and pharmacy discounts to reduce prescription drug prices.

Edward McGinley moved, seconded by Ira Katz to oppose this bill because of the administrative burden and increased operating costs placed on the pharmacies including trying to reconcile payments coming in from the state. The Board notes that there is no appropriation for administrative infrastructure to set up the program. The Board sees a burden placed on pharmacists as there will be a need for added bookkeeping responsibilities and additional space requirements to segregate drug inventory. The motion passed unanimously.

(3) A-3383 - Provides that information about residence of persons licensed by certain professional boards shall not be disclosed to the public

This bill provides that the Director of the Division of Consumer Affairs and the various occupational and professional boards located within the Division of Consumer Affairs under Title 45 of the Revised Statutes shall not disclose to the public information indicating the place of residence of any applicant for or holder of a license, registration or certification. The provisions of this bill shall not apply to disclosure to a federal or state regulatory authority or a law enforcement or judicial authority.

Edward McGinley moved, seconded by Mona Doyle to support this bill. The motion passed 5 to 3.

XII. EXECUTIVE SESSION

At 12:15 P.M., Sophie Heymann moved, seconded by Mona Doyle for the Board to enter Executive Session to review 11 retail and IV permits and 10 inspections, 4 complaints. The motion passed unanimously

XIII. ADJOURNMENT

Sophie Heymann moved, seconded by Edward McGinley, to adjourn the meeting at 4:25 P.M. The motion passed unanimously.

Respectfully submitted,

Debra C. Whipple

Executive Director