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BOARD OF PHARMACY OPEN SESSION MINUTES MONMOUTH CONFERENCE ROOM, 7TH FLOOR MARCH 27, 2013

I. CALL TO ORDER

The Open Meeting of the New Jersey Board Of Pharmacy was called to order by the Board President Edward McGinley in the Monmouth Conference Room at 124 Halsey Street, Newark, New Jersey on March 27, 2013, at 9:00a.m. All members were duly notified of the time, place and all pertinent materials were provided to members.

II. SUNSHINE LAW ANNOUNCEMENT

President Edward McGinley, read a statement that the newspapers and appropriate elected officials had been notified of the meeting according to the requirements of Open Public 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
Margherita Cardello, R.Ph.	Late Arrival 9:25 a.m.
Marc Sturgill, R. Ph.	
Richard Palombo, R.Ph.	
Mahesh Shah, R.Ph.	
Stephen Lieberman, R.Ph.	

OTHERS IN ATTENDANCE

Anthony Rubinaccio	Executive Director
Linda Brodie	Customer Service Rep.
Matthew Wetzel	Government Rep.
Jodi Krugman	Deputy Attorney General
Megan Cordoma	Deputy Attorney General

IV. UPDATES BY EXECUTIVE DIRECTOR

The Executive Director reported for the month of February, \$16,725 was collected in fines and penalties. The following permit, licenses, and registrations were issued during the month of February:

- Technicians - 204
- Pharmacists - 28 (18 by examination / score transfer and 10 by reciprocity)
- Out-of- state pharmacies - 15
- In-state-pharmacies - 6
- Pharmacists receiving immunization approval -33
- Interns (foreign graduates) - 7

V. OLD BUSINESS

1. Orders Filed
 - a) **Mark Mankbadi** 2/13
 - b) **Venkata Thottempudi** 2/13
 - c) **Keith Nisonoff** 2/27
 - d) **Joanne Newman** 3/8
 - e) **Village Fertility** 3/8
2. **Pharmcare USA** of Edison - mitigation follow-up, Board requested that Pharmcare send a list for types of sterile compounded products they provide.

The Board reviewed the growmed logs but found them difficult to read. Marc Sturgill moved, seconded Stephen Lieberman, for Pharmcare to forward an original copy of logs along with the immediate past year's logs ending 4/2012. **Motion passed 6-0.**

VI. NEW BUSINESS

1. **MedPrep Consulting Inc.** - First and second Voluntary Interim Consent Orders, approved by the Board President, Edward McGinley. For Board review and ratification

Thomas Bender moved seconded by Marc Sturgill to ratify both orders by a motion to adopt the orders. **Motion passed 6-0.**

Margherita Cardello moved, seconded by Stephen Lieberman, to authorized Board president Edward McGinley a committee of the Board to conduct a hearing if requested by either party pursuant to the Consent Order and issue an Order having immediate effect to be ratified, amended or rejected by the full Board at the next available meeting. **Motion passed 5-0.**

2. **Jeffrey Skuraton. R.Ph.** - Request for reinstatement and modification of Consent Order

The Board reviewed all documentation submitted but found it to be incomplete. Richard Palombo moved, seconded by Thomas Bender, for Mr. Skuraton to submit assessments regarding his medical condition from his treating physician, a competency report from his therapist, proof of financial hardship and continuing education credits. Once the above information has been received and approved by the Board, the Board office will schedule him for the PARE and an Investigative Inquiry if required. **Motion passed 6-0.**

3. **Kenneth Grossett, R.Ph.** - Request for modification of Consent Order

Mahesh Shah moved, seconded by Marc Sturgill, to modify his Consent Order by reducing urine screens from once a month to quarterly based on seven years in recovery and PAPNJ recommendation. **Motion passed 6-0.**

4. **Alan Kay, R.Ph.** - Request for modification of Consent Order

The Board reviewed all documentation received. Marc Sturgill moved, seconded by Margherita Cardello, that before the Board offers a decision Mr. Kay is to complete item number one of his Consent Order. Thomas Bender was recused due to his affiliation with Walgreens. **Motion passed 6-0.**

5. **Randall Higgins, R.Ph.** - Request for modification of Consent Order

Mr. Higgins is requesting a clarification of item number four on his Consent Order, to help him decide on a job offer. The Board reviewed all documentation received. Richard Palombo moved, seconded by Mahesh Shah, to put in place a letter of agreement between the Board and Roy Putrino, RPIC of Basic HomeInfusion. The letter is to include: reports on Mr. Higgins job performance sent quarterly; notification to the Board within twenty four hours if there is any type of problem concerning Mr. Higgins; and his evening work is to be reviewed every morning, by Mr. Putrino. Under separate correspondence the Board is requesting a clarification of Mr. Higgins daytime work duties verses his night duties and a list of narcotics that will be used in the compounding processes. **Motion passed 7-0.**

6. **Camden County Health Services Center** - Waiver for dispensing to discharged patients

Margherita Cardello moved, seconded by Thomas Bender, to deny waiver. Camden County Health Services Center is required to apply for a retail permit or utilize a different contract retail pharmacy. **Motion passed 7-0.**

7. **National Association of Boards of Pharmacy** - Election of New Jersey voting delegate to NABP

Richard Palombo moved, seconded by Stephen Lieberman, to nominate Thomas Bender as delegate. **Motion passed 7-0**

Stephen Lieberman moved seconded by Mahesh Shah to nominate Richard Palombo as an alternate delegate. **Motion passed 7-0.**

8. **Bill Comment Request - S-2615**, establishes prescription drug donation repository program

Stephen Lieberman moved, seconded by Richard Palombo, to opposed the bill in its current form, for public safety concerns (accepting medication returns from individual patients cannot assure that product integrity or stability has been maintained). All

returned medications should be evaluated by trained Pharmacy staff to ensure safety of medications. The Board is willing to support the concept with some change, and will work with the division's legislative liaison to suggest changes. **Motion passed 7-0.**

VII. MITIGATION/HEARING REQUEST

1. Daniel Buchner, RPIC - Central Admixture Pharmacy, Englewood, NJ

This item was held until last to go into executive session for advise of counsel. Marc Sturgill moved, seconded by Thomas Bender, to go into executive session at 11:22 a.m. **Motion passed 7-0.**

Richard Palmobo moved seconded by Stephen Lieberman to move back to open session at 11:49 a.m. **Motion passed 7-0.**

Thomas Bender moved, seconded by Richard Palombo, for the Board office to send the New York Board of Pharmacy a letter notifying them that CAPS is providing compounded sterile preparations to pharmacies located in New York. The medication is prepared at the CAPS pharmacy in New Jersey and is forwarded to hospital pharmacies in New York, who in turn dispenses it for their patients in New York. CAPS New York pharmacy customers do not hold out-of-state registration in New Jersey.

The Board is enforcing the fine with respect to the twenty seven in state pharmacies because there were no central fill agreements in place. There is a fine of a \$500.00 maximum for each pharmacy, but the Board is only enforcing \$10,000.00, the maximum under a single occurrence.

The Board recommends CAPS to apply for a waiver under N.J.A.C. 13:39-4.19(d)2 for New York Hospital partners and identify the clients.

The Board is also requesting CAPS resubmit training documentation requesting to exceed 2:1 technician ratio, originally submitted in 2006. **Motion passed 7-0.**

2. Celeste A. McNamara, RPIC - Walgreens Pharmacy, Hamilton, NJ

Richard Palombo moved, seconded by Stephen Lieberman, to mitigate the cite N.J.A.C. 13:39-6.15(e) for pharmacist technician ratio 1:3.

Thomas Bender was recused due to his affiliation with Walgreens. **Motion passed 6-0.**

3. Nouran Ali, RPIC - Nour Pharmacy, Clifton, NJ

Stephen Lieberman ,moved seconded by Margherita Cardello, to deny mitigation for cites N.J.A.C.13:45H-5.5 and N.J.A.C. 13:45H-5.7 regarding inventory submission it should have been done in March instead of August and the entire CII inventory was rounded off. Also deny mitigation for cites N.J.A.C. 13:39-6.2(f)2&3 as there were twice as many tablets with no subsequent documentation. Mahesh Shah was recused due to his

affiliation with Angelo Cifaldi. **Motion passed 5-0.**

4. **Jason Joseph, RPIC** - Roseville Pharmacy, Newark, NJ

Thomas Bender moved, seconded by Richard Palombo, to have both cites mitigated N.J.A.C. 8:65-7.5(a) and N.J.A.C. 13:39-5.11. **Motion passed 6-0.**

5. **Ashraf Dawad, RPIC** - Advanced Pharmacy, Perth Amboy, NJ

Thomas Bender moved, seconded by Stephen Lieberman, to deny mitigation for cites N.J.A.C. 13:39-7.18 and N.J.A.C. 6.2f(7) for outdated medication. **Motion passed 7-0.**

6. **Eugene Ragazzo, RPIC** - Hopewell Pharmacy, Hopewell, NJ

Thomas Bender moved, seconded by Richard Palombo, for Hopewell Pharmacy to provide documentation of annual training in aseptic technique for all personnel from 2011 -2012. Also, Hopewell Pharmacy is to provide documentation of the types of sterile compounds that are being made. **Motion passed 7-0.**

7. **Allison Schiesl, RPIC** - Genoa Healthcare LLC Pharmacy Dept., Red Bank, NJ

Richard Palombo moved, seconded by Mahesh Shah, to mitigate cites N.J.A.C. 13:39-6.15(b)8 to a warning and removing N.J.A.C. 13:39-6:15(d). **Motion passed 7-0.**

VIII. INFORMATIONAL

May's meeting is the fifth Wednesday of the month.

The September 25, Board meeting has been moved to October 2, to avoid interference with NABP interactive form for executive directors.

IX. COMMITTEE REPORTS

X. APPROVAL OF MINUTES

Thomas Bender moved, seconded by Mahesh Shah, to approve February 27, 2013 Open Session Minutes as amended.

XI. ADJOURNMENT

At 11:12 a.m. Thomas Bender moved, seconded by Mahesh Shah, to adjourn Public Session and move into Executive Session for review of 8 Complaints, 2 Old Business Items, 7 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports and approval of the February 27, 2013 Executive Session Minutes.