



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
Board of Pharmacy  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



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## **NEW JERSEY STATE BOARD OF PHARMACY MINUTES OF THE OPEN SESSION March 28, 2012**

**Mailing Address:**  
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### **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 Somerset Room 6<sup>th</sup> Floor at 124 Halsey Street, Newark, New Jersey on March 28, 2012 at 9:01 a.m. All members were duly notified of the time and place and all pertinent materials were provided to the members.

### **II. SUNSHINE LAW ANNOUNCEMENT**

Edward McGinley President, read a statement that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open Public Meetings Act N.J.S.A., Chapter 231, PL 1975, /C. 10:4-8.

### **III. ROLL CALL**

Edward G. McGinley, R.Ph.  
Thomas Bender, R.Ph.  
Margherita Cardello, R.Ph.  
Marc Sturgill, R.Ph.  
Richard Palombo, R.Ph.  
Mahesh Shah, R.Ph.  
Stephen Lieberman, R.Ph.

President  
Vice President

### **OTHERS IN ATTENDANCE**

Anthony Rubinaccio  
Megan Cordoma  
Maria Bertorelli

Executive Director  
Deputy Attorney General  
Administrator Assistant

### **IV. UPDATE BY EXECUTIVE DIRECTOR**

- 1) The Executive Director reported that \$12,625.00 was collected in fines and penalties during the month of February 2012.  
The following permits/licenses/registrations were issued during the month of February 2012:

- Technicians - 178
- Pharmacists - 27 (16 by examination/score transfer, 11 by reciprocity)
- Out of state pharmacies - 8
- In state pharmacies - 4
- Pharmacists receiving immunization approval - 62
- Interns (foreign graduates) - 8

**V. OLD BUSINESS - Updates**

**1) Public Orders filed:**

- a) Kevin D. Hohner, pharmacy technician (2/13/12)**
- b) Jeffrey William Strougo, R Ph (2/22/12)**
- c) Kavitha Pareddy, R Ph (2/22/12)**
- d) Ihsanullah Maaf, R Ph (2/22/12)**

The Board reviewed public orders filed, and accepted as informational.

**2) Finalization of Provisional Orders of Discipline:**

**a) Joseph J. Leone**

Recognizing that no response was submitted to the Provisional Order of Discipline issued in this matter, Marc Sturgill moved, seconded by Thomas Bender to finalize the Provisional Order of Discipline without modification. **Motion passed unanimously.**

**b) Jeffrey Simon**

Recognizing that no response was submitted to the Provisional Order of Discipline issued in this matter, Richard Palombo moved, seconded by Mahesh Shah to finalize the Provisional Order of Discipline without modification. **Motion passed unanimously.**

**3) Jasper Mae A. Dalumpines - Request waiver to NJAC 13:39-2.1(a)4**

Stephen Lieberman moved, seconded by Thomas Bender that the Board's position from the September 28, 2011 meeting is sustained, to deny waiver request of NJAC 13:39-2.1(a)4 because there has been no material change in the information provided. There is no preceptor on record, and the board noted that the responsibilities are substantially different between a Pharmacy Technician and a Pharmacist. The applicant must complete all requirements of the regulations. **Motion passed unanimously.**

**VI. NEW BUSINESS**

**1) Talyst - Insite Remote Dispensing - Mr. Dave Daone and Mr. Jason Spears**

Mr. Spears appeared before the Board and provided a brief description of the remote dispensing system and procedures that detailed medication dispensing and administration. He responded to questions/concerns from the Board.

The Board accepted as informational.

**2) Parata One Dose - Angelo Cifaldi - requesting Board review.**

The Board reviewed correspondence submitted by attorney Angelo Cifaldi, requesting an Advisory Opinion - Drug Dispensing Device.

Marc Sturgill moved, seconded by Richard Palombo to send Mr. Cifaldi a letter advising that the Board will not waive the 24 hour deadlines pursuant to NJAC 13:39-9.17. However, for Board's consideration, he may submit a proposal detailing alternative proposals that the pharmacy can use to comply with the timelines outlined in the regulations. **Motion passed unanimously.**

**3) Village Pharmacy - Requesting extension of pharmacy permit.**

The Board reviewed correspondence submitted by Ann Ervin, R. Ph., from Village Pharmacy requesting approval from the Board to extend the pharmacy permit to include a unit they are currently renting, located 2 units apart from Village Pharmacy.

Richard Palombo moved, seconded by Thomas Bender to send a letter to Ms. Ervin asking to submit a remodeling application, a narrative providing provision on security measures, staffing and SOPs. **Motion passed unanimously.**

**4) Matt D. Mandel - questions on electronic prescriptions**

The Board reviewed correspondence submitted by Matt Mandel, Esq., on behalf of his client requesting an advisory position relating to using pharmacy-generated prescription forms, instead of a prescription generated by a doctor on a prescription (blue) pad, being that many specialty pharmacies in Northern NJ operate in this manner. Mr. Mandel wants to be sure that this is a lawful business practice in New Jersey and does not violate any Board of Pharmacy Statutes or Regulations.

Margherita Cardello moved, seconded by Richard Palombo to send a letter to Mr. Mandel advising him that further information would be needed to answer his concerns. The Board will send a letter to Mr. Mandel requesting further information from his client regarding his proposed use of these electronic forms. Mr. Mandel is directed to review NJAC 13:45a-27.3 and NJAC 13:39-3.10 for information on this topic. **Motion passed unanimously.**

**5) Matt D. Mandel - requesting interpretation of NJSA 45:14-6.5(e)**

The Board reviewed correspondence submitted by Matt Mandel, Esq., on behalf of his client relating to Premiums and Rebates.

Margherita Cardello moved seconded by Stephen Lieberman to send Ms. Mandel a letter advising him that his interpretation of NJAC 45:14-65 (e) is correct. Also, regarding the waiver of a co-payment, this would be considered a violation to NJAC 45:14-65 (e). **Motion passed unanimously.**

**6) Surescripts - EPCS - Regulatory status**

The Board reviewed a map generated by Surescripts indicating confusion on whether electronic transmission of CDS is acceptable in New Jersey.

Richard Palombo moved, seconded by Margherita Cardello to ask Executive Director Rubinaccio to communicate to the Director of the Division that the current CDS Regulations are in conflict with the Regulations of the New Jersey Board of Pharmacy and Federal requirements for the handling of electronic prescribing of CDS. **Motion passed unanimously.**

## VII. MITIGATION/ HEARING REQUESTS

1) **Landmark Pharmacy - Angelo Cifaldi responding to UPL on behalf of his client**

The Board reviewed correspondence submitted by attorney Angelo Cifaldi on behalf of his client Landmark Pharmacy, in response to a Uniform Penalty Letter.

Marc Sturgill moved, seconded by Stephen Lieberman to mitigate the \$1,000.00 fine issued pursuant to NJAC 8:65-5.7 CDS Biennial Inventory Requirement based on evidence presented, immediately following the inspection, that the inventory was completed as required. **Motion passed 6-1. Thomas Bender opposed.**

2) **Walgreens - Willingboro, New Jersey**

Thomas Bender recused, due to his affiliation with Walgreens.

**10:15 am** Marc Sturgill moved, seconded by Stephen Lieberman to move into Executive Session, for deliberation and advice of counsel. **Motion passed unanimously.**

**10:35 am** Margherita Cardello moved, seconded by Richard Palombo to move back into Public Session. **Motion passed unanimously.**

Chair directed to table this matter to provide time for DAG Cordoma to contact Ms. Dickinson and explain the procedures for the requested, formal administrative hearing. Margherita Cardello moved, seconded by Richard Palumbo. **Motion passed unanimously.**

3) **Costco - Clifton, New Jersey**

The Board reviewed correspondence submitted Payal J. Amin, R. Ph., in response to a Uniform Penalty Letter.

Richard Palombo moved, seconded by Margherita Cardello to deny mitigation request of the \$200.00 fine issued and the completion of 2 continuing education credits (ce's submitted), in violation of NJAC13:39-6.2(f)3. **Motion passed 6-1, Stephen Lieberman opposed.**

## VIII. INFORMATIONAL

1) **United Research Lab - regarding medicine recall**

## IX. COMMITTEE REPORTS

- 1) **Enforcement Bureau** - Margherita Cardello commented that initial meetings with Michael Westenberger of the Enforcement Bureau were very positive relating to revising Inspection Checklists, and creating Self Assessment surveys to be utilized by Pharmacies. The intention is to provide checklists that more accurately reflect the important items that safeguard the well being of the public.

**2) Rules and Regulations -**

- a) The committee is beginning renewed discussions on CQI .
- b) The Collaborative Practice regulations were approved last week by the Governor's office and transmitted to the Office of Administrative Law.
- c) Comments on the proposed changes to the Compounding Regulations are due by April 6, 2012.

- 3) MPJE Meeting:** Thomas Bender recapped his meeting with the NABP MPJE Committee. New Jersey's pool of new questions are almost complete and will be going into the pre-testing pool. State specific reviews are due in August. We have 2700 questions that need to be reviewed between 8/13 - 8/27. Marc Sturgill, Stephen Lieberman and Anthony Rubinaccio will assist Thomas Bender in completing this task during that time frame.
- 4) NABP Voting Delegate:** The Board voted to approve Richard Palumbo as the primary voting delegate, and Thomas Bender as an alternate, for New Jersey during the 2012 NABP annual convention to be held in May.

**X. APPROVAL OF MINUTES**

**1) February 22, 2012**

Marc Sturgill moved, seconded by Thomas Bender to approve the February 22, 2012 Open Session Minutes as amended. **Motion passed unanimously.**

**XI. ADJOURNMENT**

At 11:03 a.m. Margherita Cardello moved, seconded by Mahesh Shah to adjourn Public Session and move into Executive Session for the review of 9 complaints, 1 Old Business Items, 4 New Business Items, the Secretary's Report and Recommendation on Retail and Institutional Permits, the Secretary's Report and Recommendation on Inspection Reports, 2 Investigative Inquiries and the Approval of Minutes.