

NEW JERSEY STATE BOARD OF PHARMACY
OPEN SESSION MINUTES
April 9, 2008

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, 6th Floor at 124 Halsey Street, Newark, New Jersey on April 9, 2008 at 9:15 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

Mr. Edward McGinley, President read a statement to the effect that the newspapers and appropriate elected officials had been notified of the meeting according to the requirement of the Open 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
Pamela Allen, R.Ph. (Left at 3:00 pm)
Peter Halecky, R.Ph.
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph. (Left at 3:35 pm)
Marc Sturgill, R.Ph.
Richard Palombo, R.Ph. (Left at 3:35 pm)
Jennifer DeVenio Government Member

OTHERS IN ATTENDANCE

Joanne Boyer, R.Ph. Executive Director
Marianne Greenwald, Esq. Deputy Attorney General

EXCUSED

Axel Miranda Public Member

IV. UPDATE BY EXECUTIVE DIRECTOR

The Executive Director announced that \$32,162.50 was collected in fines and penalties during March, 2008. There were 24 pharmacists licensed during the month of March, 2008. Fourteen by reciprocity and 10 by examination/score transfer.

There were 16 pharmacy technicians registered during the month of March, 2008. Patricia Parsons, employed at Newark Beth Israel Medical Center, and Terri Sheppard, employed at South Jersey Healthcare Vineland, were the first two technicians to be registered.

There were 16 pharmacy permits issued during the month of March, 2008. These were issued as the result of transfer of ownership or new pharmacies opening.

The Executive Director acknowledged all the time and effort that Elvy Paiva and Thomas Bender spent on NABP's MJPE question review. A total of 2,664 questions were reviewed to determine if they were appropriate for inclusion in the New Jersey specific MJPE.

V. CONTINUING EDUCATION REPORT

Pamela Allen was recused due to her affiliation with the St. Barnabas Healthcare System.

Elvy Paiva moved, seconded by Jennifer DeVenio to accept the continuing education report. The motion passed unanimously.

VI. OLD BUSINESS

N/A

VII. NEW BUSINESS

1) Russ J. Lazzaro, R.Ph., Director of Pharmacy, Holy Name Hospital, Teaneck, NJ – Requesting a waiver on checking of SwissLog robot doses dispensed

Elvy Paiva moved, seconded by Richard Palombo to have Mr. Lazzaro provide test results showing dispensing errors and rejections by the SwissLog Robott for the past 60 days and the number of total dispenses for the past 60 days. Once this information is received this matter will be placed back before the Board for consideration. At that time the Board will also review the most recent inspection report. The motion passed unanimously.

2) NABP's Pharmacy Curriculum Outcomes Assessment (PCOA) Program

Richard Palombo provided an overview to the Board. This matter was accepted as informational.

3) Jayraj B. Gandhi – Foreign graduate requesting Board approval of intern hours prior to submission of intern application Intern application received 1/28/08

Jennifer DeVenio moved, seconded by Margherita LaFragola to deny Mr. Gandhi's request for a waiver for failure to show good cause. The motion passed unanimously.

4) Abraam M. Yakoub – Foreign graduate requesting a waiver of TOEFL IBT

Pamela Allen moved, seconded by Thomas Bender to schedule Mr. Yakoub for an interview before the full Board in Open Session. Prior to his appearance Mr. Yakoub is to provide documentation regarding his speech language therapy as recommended by Luba Grosman, SPT and a statement regarding his career goals. The motion passed 7-2.

5) Michael A. Podgurski, Vice President Pharmacy Services, Rite Aid – Requesting that the ScriptPro machines as utilized by Rite Aid be consider a counting device and not an automated medication system as defined in NJAC 13:39 – 10.2 Margherita LaFragola was recused due to her affiliation with Rite Aid

Elvy Paiva moved, seconded by Peter Halecky to approve the request that the ScriptPro machine, as utilized by Rite Aid, be considered a counting device. Mr. Podgurski is to be notified that Rite Aid needs to be in compliance with NJAC 13:39 – 5.11. The Executive Director is to notify the Enforcement Bureau of the Board's decision. The motion passed unanimously.

6) Roger N. Morris, R.Ph., Esq. & Susan B. Trujillo, Esp., Quarles & Brady, Phoenix, Az – Regarding utilizing a prescription number for an electronic consultation claim

Peter Halecky moved, seconded by Elvy Paiva that the practice of utilizing prescription numbers or a prescription identifier for electronic consultation claims is not prohibited by any rule or regulation by the Board. The motion passed unanimously.

VIII. MITIGATION/ HEARING REQUESTS

1) Barry Leskowitz, RPIC, Coram Alternate Site Services, Totowa, NJ

Margherita LaFragola moved, seconded by Marc Sturgill to deny the request for mitigation of the \$500 fine imposed pursuant to NJAC 13:39 – 11.14(b)3 and to accept the request for mitigation of the \$250 fine imposed pursuant to NJAC 13:39 – 1.9(b) & (c). The motion passed unanimously.

2) Diana Bennett, owner, Community Health Pharmacy, Newark, NJ

Pamela Allen moved, seconded by Thomas Bender to mitigate the fine imposed pursuant to NJAC 13:39 – 4.13(a) from \$50 to a warning, to mitigate the fine imposed pursuant to NJAC 13:39 – 2.15 from \$50 to a warning, to mitigate the \$275 & \$250 fines imposed pursuant to NJAC 13:39 – 4.5(a), to mitigate the fine imposed pursuant to NJAC 13:39 – 7.19(b)2 & NJSA 45:14 – 68(b)2 from \$100 to a warning, mitigate the fine imposed pursuant to NJAC 13:39 – 6.2(f)2 & 7.12(a)12 from \$200 to \$100, to mitigate the fine imposed pursuant to NJAC 13:39 – 6.2(f)2 & 3 from \$200 to a warning and to deny the request for mitigation for the \$1,000 fine imposed pursuant to NJAC 13:39 – 7.6(c). The motion passed 7-2.

IX. COMMITTEE REPORTS

N/A

X. APPROVAL OF MINUTES

1) March 26, 2008

Elvy Paiva moved, seconded by Peter Halecky to approve the minutes as amended. The motion passed unanimously.

XI. ADJOURNMENT

At 11:53 am Marc Sturgill moved, seconded by Pamela Allen to move into Executive Session for the review of 6 complaints, 1 Old Business item, 2 New Business items, Secretary's Report and Recommendation on Retail and Institutional Permits, Secretary's Report and Recommendation on Inspection Reports, conduct 2 Investigative Inquiries and approval of minutes. The motion passed unanimously