

**NEW JERSEY BOARD OF PHARMACY
OPEN SESSION MINUTES OF APRIL 11, 2007**

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 Hudson Room, 6th floor at 124 Halsey Street, Newark, New Jersey at 9:03 a.m. All members were duly notified of the time and place and all pertinent materials had been provided.

II. SUNSHINE LAW ANNOUNCEMENT

Edward McGinley read a statement that the 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

Edward McGinley, R.Ph President
Thomas Bender, R.Ph. Vice President
Pamela Allen, R.Ph.
Jennifer DeVenio Government Member
Peter Halecky, R.Ph
Margherita Lafragola, R.Ph.
Elvy T. Paiva, R.Ph.
Marc Sturgill, PharmD

OTHERS IN ATTENDANCE

Joanne Boyer Executive Director
Marianne Greenwald Deputy Attorney General

EXCUSED

Axel Miranda Public Member
Richard Palumbo, R.Ph.

IV. UPDATE BY EXECUTIVE DIRECTOR

Joanne Boyer, Executive Director, reported the following:

- a) There were 26 licenses issued in the month of March, 2007; 23 by examination/score transfer, 3 via reciprocity
- b) Violations paid in the month of March, 2007 totaled \$39,548
- c) Approximately 9000 pharmacists have renewed their licenses online to date and 5 have renewed by paper.
- d) Governor Corzine has appointed Richard Palombo to the Board to fill the remainder of Dr. Thomas Egan's term and has reappointed Pamela Allen for another term.

V. CONTINUING EDUCATION REPORT FOR MARCH

Pamela Allen was recused from approving the CE program that she submitted. Elvy Paiva moved, seconded by Peter Halecky, to approve the Continuing Education Report for March. The motion passed unanimously.

VI. OLD BUSINESS

1) Eric Sorkin – Regarding his request for reinstatement

This item was last before the Board on 1/10/07 at which time the Board requested additional information. Margherita Lafragola and Ed McGinley were both recused. Thomas Bender chaired this item. Elvy Paiva moved, seconded by Jennifer DeVenio to schedule Eric Sorkin for an investigative inquiry. Mr. Sorkin is to provide the Board with information regarding his legal status along with details to show what he has done regarding his continuing education. The motion passed unanimously.

2) National Provider Identifier (NPI) Number and

3) Medicaid Moratorium

At 9:14 a.m. Thomas Bender moved, seconded by Marc Sturgill to go into Executive Session for advise of counsel regarding these two items. The motion passed unanimously.

At 9:39 a.m. Elvy Paiva moved, seconded by Marc Sturgill to return to Open Session. The motion passed unanimously.

4) Amol V. Tendolkar - Applicant who completed internship in 2001-2002 and now wishes to move forward with the application process. Based on his interview of Dr. Tendolkar, Thomas Bender moved, seconded by Peter Halecky, that he can proceed with taking the NAPLEX and that he must complete an additional 250 hours of a New Jersey approved internship in order to move forward with his application process. He will be permitted to complete the internship on a part-time basis due to his special circumstances. The motion passed unanimously.

VII. NEW BUSINESS

1) Thomas Clough – Request for reinstatement

Pamela Allen moved, seconded by Elvy Paiva, to schedule Mr. Clough for an investigative inquiry. The motion passed unanimously.

2) Carolyn Sim, R.Ph. & Jong Pak, R.Ph. – Request for modification of Consent Orders

Elvy Paiva moved, seconded by Marc Sturgill to notify Dr. Baxter, Executive Medical Director of the Professional Assistance Program, that Ms. Sim and Mr. Pak have each satisfied the conditions of their respective consent orders regarding the requirement to participate in joint marriage counseling. The motion passed unanimously.

3) Proposed Resolutions, NABP 103rd Annual Meeting, May 19-22, 2007, Portland Oregon

Marc Sturgill moved, seconded by Thomas Bender, to support proposed resolutions 1, 2 and 5 as presented; to support proposed resolution 3 if the education included public officials, and to oppose proposed resolution 4 as written but to support it if it were modified to be done in concert with the Federation of State Medical Boards. The motion passed unanimously. Elvy Paiva is the delegate and Margherita Lafragola is the alternate delegate for the New Jersey Board for this meeting.

VIII. MITIGATIONS

1) Alicia S. Mattson, RPIC, CVS, Galloway, NJ

Deny mitigation of the \$500 fine for N.J.A.C. 13:39-6.6(d) and N.J.S.A. 45:14-80(d) since she did not provide any proof that the technicians were certified and had passed the testing component; mitigate the \$250 fine to a warning for N.J.A.C. 8:65-7.5(a) and N.J.A.C. 13:35-7.2(d)7.

2) Sergio Canabal, RPIC, Walgreens, Newark, NJ

Elvy Paiva was recused from this item. Mr. Canabal was present at the Board meeting. Mitigate \$50 and decrease the \$75 fine to \$25 for N.J.A.C. 13:39-7.18, N.J.A.C. 13:39-6.2(f)7, N.J.A.C. 13:39-7.16(c)3, N.J.A.C. 13:39-7.16(c)6.

3) David Schnoor, R.Ph., Drug Fair, Boonton, NJ

Mitigate the \$350.00 fine to a warning for CFR 1301.21.

4) Adeshina Bamigbade, RPIC/Owner, Daily Need Pharmacy, Newark, NJ

This item was put on hold until DAG Marianne Greenwald can review any prior actions and responses related to this RPIC and Pharmacy.

5) Charles Jyamfi, Ojah Pharmacy, East Orange, NJ

The certification form which was returned is not the official Board form but a modification of the form by Mr. Jyamfi Based on the fact that the proposed certification form is not acceptable since it forces the Board to either accept the entire mitigation or to schedule an administrative hearing for Mr. Jyamfi, DAG Marianne Greenwald will contact Mr.Jyamfi's counsel.

Pamela Allen moved, seconded by Thomas Bender, to approve the above mitigation decisions. The motion passed unanimously.

IX. COMMITTEE REPORTS

None

X. APPROVAL OF MINUTES

1) March 14, 2007

Margherita Lafragola moved, seconded by Elvy Paiva, to approve the draft minutes of March 14, 2007 as amended. The motion passed unanimously.

2) March 28, 2007

Jennifer DeVenio moved, seconded by Margherita Lafragola, to approve the draft minutes of March 28, 2007 as amended. The motion passed unanimously.

XI. ADJOURNMENT

At 10:35 a.m., Marc Sturgill moved, seconded by Margherita Lafragola, to move into the Executive Session for the review of 19 Complaints, 4 Old Business items, 4 New Business items, 5 Secretary's Reports for Retail, Institutional and IV Permits, 16 Inspection Reports, 30 Special Inspection Reports and for review and approval of previous Executive Session minutes. The motion passed unanimously.